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Senate

SUPPLEMENTAL APPROPRIATIONS ACT TO SUPPORT DEPARTMENT OF DEFENSE OPERATIONS IN IRAQ FOR FISCAL YEAR 2003— Continued

Mr. SPECTER. Mr. President, there is no doubt that major cities, such as Philadelphia, with airports and seaports and Independence Hall and the Liberty Bell, have much higher costs than cities which do not have these facilities.

I have discussed the issue with Mayor Street. The letter which I have had printed in the RECORD is a succinct summary, so we can observe this very short time limit which has been agreed to.

Similarly, I have conferred with Mayor Tom Murphy of Pittsburgh, who, again, makes the comment about the additional costs.

I have had an opportunity—actually, I was called by Mayor Bloomberg of New York City about the very substantial increases in costs there, and during the markup in the Appropriations Committee earlier this week commented about these factors and have sought to increase the funding from the \$100 million for high-risk urban areas to a total of some \$600 million.

Again, it would be highly desirable if we had more money, as suggested by Senator SCHUMER, but that simply cannot be accommodated within the current budget constraints.

In the conversations with Mayor Bloomberg, he pointed out about the

fact that police cost some \$5 million a month, and there are other costs in the range of \$8 million a month for the United Nations, with a very heavy imposition of costs on New York City, commenting in a way very similar to the mayors of Philadelphia and Pittsburgh.

There is no doubt these costs really ought to be borne principally by the Federal Government. In the bill, language was inserted by Senator GREGG and language by myself which would require the Secretary of Homeland Defense to make a report to the Congress within 60 days to identify what are the costs in safeguarding airports, seaports, landmarks such as Independence Hall, such as the Liberty Bell, and to make a recommendation as to an allocation by the Federal Government, and whether such costs, in part, should be borne by other entities. That will enable us to make a determination as to how this \$600 million will be spent, and to have a rationale for what the expenses will be with the specification of the costs involved and an allocation between the Federal Government and other governmental agencies if it is determined that would be appropriate.

EXHIBIT 1

CITY OF PHILADELPHIA,
OFFICE OF THE MAYOR,
Philadelphia, PA, April 2, 2003.

Hon. ARLEN SPECTER,
9400 Federal Building,
Philadelphia, PA.

DEAR SENATOR SPECTER: In Fiscal Year 2002, the City of Philadelphia spent \$21.2 mil-

lion in increased domestic security costs. These costs include overtime incurred by the Police, Fire and Public Health employees associated with the formation of Rapid Assessment Teams. These teams, consisting of employees from each department responded to all critical incidents citywide. Additionally, \$8 million was allocated for security improvements to city facilities. These improvements include installations of bollards around the perimeter of City Hall, installation of security access and surveillance systems in the One Parkway Building and installation of security cameras and metal detectors at other facilities. The Police Department enhanced coverage in Center City and provided enhanced security staffing at the Philadelphia Stock Exchange, Red Cross Headquarters and the City's Emergency Operations Center. An intensive training was given to a team of police officers and supervisors that may be called upon to respond to a hazardous materials incident.

Going forward, the Police Commissioner formed the Bureau of Counter-Terrorism absorbing the Detective Bureau's Organized Crime Unit as its foundation. The 76 member Bureau is developing new methods and initiatives to pursue counter-terrorism preparedness. These initiatives include strategic and tactical training, equipment purchase, inter-agency and regional cooperation and coordination, and community outreach. The Bureau meets regularly with task forces such as the FBI's Joint Terrorism Task Force, the US Attorney's Anti-Terror Task Force and the US Coast Guard Task Force to keep current with the latest counter-terrorism strategies. These initiatives are likely to cost about \$10 million annually.

Sincerely,

JOHN F. STREET,
Mayor.

SECURITY COSTS IN RESPONSE TO SEPTEMBER 11TH

	Full year			
	Personnel	Purchased Services	Matrl., Supplies & Equipment	Total
Police Department (General Fund)	3,949,187	47,006	1,400,437	5,396,630
Police Department (Airport)	3,288,784			3,288,784
Fire Department	2,810,271			2,810,271
Public Property	891,000	360,000	17,000	1,268,000
Office of Fleet Management	54,034	102,770		156,804
Public Health	340,178			340,178
Triplex Security		8,000,000		8,000,000
Total	11,273,454	8,509,776	1,147,437	21,200,667

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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SECURITY COSTS IN RESPONSE TO SEPTEMBER 11TH—Continued

	Full year			
	Personnel	Purchased Services	Matrl., Supplies & Equipment	Total
Total General Fund	8,044,670	8,509,776	1,417,437	17,971,883

Mr. SPECTER. Mr. President, how much of my 15 minutes remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 9 minutes remaining.

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished chairman of the Appropriations Committee.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have asked for a portion of the time of the Senator from Pennsylvania because we had worked to try to reach an agreement between the two amendments so that they would be put together and have an amendment we could adopt. We are unable to do that.

I am compelled to state I will oppose the first-degree amendment of Senator SCHUMER. It is a situation where, as far as I am concerned, there is ample money in the House bill, if we are compelled to raise the amount that is in our bill. But it is the kind of situation where we prefer to have this amendment not be adopted now, so we can find a way to work the matter out with the House.

We have \$100 million in the bill. The Schumer amendment, as I understand it, as drafted, now adds \$600 million. I oppose going to that height. That would, in effect, take it to the level of the House. And the administration opposes the level in the House bill.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SCHUMER. Mr. President, I believe I have time. I will yield 3 minutes to myself.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I heard my friend from Pennsylvania speak on—

Mr. STEVENS. Mr. President, will the Senator allow me to interrupt for a problem that has come up.

Mr. SCHUMER. Please.

Mr. STEVENS. The problem has come up in connection with the unanimous consent agreement. There was no time allocated to those who might want to oppose the Specter amendment. And, as I understand it, a Senator on the Democratic side wishes to oppose the Specter amendment. In fairness, I ask unanimous consent she be given 5 minutes to speak; and if it raises additional items the Senator has not spoken to that he wishes to speak to, I would allocate an additional 5 minutes to Senator SPECTER, so there would be a comment back and forth. All right. I make that request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. I thank the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I heard my friend from Pennsylvania speak for his amendment. I will support that amendment because it is better than what is currently in the bill, although I wish it had more money. I wish it had money for the FIRE and COPS Programs, which the amendment I am offering with my colleagues from New York and Maryland, does. And I wish it gave more funding to high-threat, high-need areas, and to all other areas. I also wish that it ensured, as my amendment does, that the Department of Homeland Security would be required to provide the funds within 30 days and that the amendment would guarantee an 80/20 split of those funds between the States and localities.

The Schumer amendment is the amendment that provides sufficient funding for police, for fire, for first responders all across the country. We all know how beleaguered they are. We know how stretched they are. We know whether they be in a large city like New York City, or a medium-sized city like Rochester or Syracuse, or a suburb, or even a rural area, our police and firefighters have been pushed to the limit. They must meet their regular law enforcement and public safety responsibilities under 9/11, and from the Iraq war.

And many police and fire departments have to do more with fewer people and fewer resources, because of the terrible budget deficits at the State and local level, and because many are in the Reserves and have been called up and are proudly serving our country.

So we have an obligation. If we are going to fight the war on terrorism at home, we have to vote for this amendment. We cannot just fight the war on terrorism overseas and not fight it at home. Our first responders, our police and fire, in a very real sense are on the front lines.

So I hope we will get support for the Schumer amendment. I hope we will back up our police and firefighters. I hope we will back up our local governments and our first responders.

The idea that we can win the war on terror just by fighting it overseas and giving it all the money for needs overseas—I am for that and support that proudly—but not do what we need to do domestically makes no sense. We will rue the day.

I ask my colleagues to vote for an amendment that really provides sufficient funding. Again, I am for the Specter amendment. It is an improvement.

I salute my colleague from Pennsylvania for offering it. But if you really want to give the dollars to police and fire in the way that they need them, then the Schumer amendment is the answer. It is not a Democratic or Republican amendment. It is supported by police and fire organizations, both management and union throughout the country. It is supported by local governments. It is what our badly strapped local governments need in this post-9/11 world.

Again, a good team needs a good offense and good defense. Our soldiers overseas are providing the offense. But it is our police, our firefighters, our first responders who are providing the defense. We need to back them up and back them up fully as well.

I urge support of the Schumer amendment and yield 3 minutes to my colleague who has been with me all along on this issue, the Senator from New York, Mrs. CLINTON.

Mrs. CLINTON. Mr. President, I support the Schumer-Clinton-Mikulski amendment because I believe it more accurately reflects the needs that have been conveyed. Even in the materials that the Senator from Pennsylvania has entered into the RECORD, the kind of requests we are hearing from mayors and county executives and police chiefs and fire chiefs far exceed what is available. It has been now 18 months where we have failed to arrive at an understanding of what our local communities and our States require in order to fulfill their obligations on the front lines of this second front.

Once again, I believe we have an opportunity to do what is needed, but we are not taking it. The Schumer amendment provides the kind of thoughtful analysis and disbursement of funds that will most guarantee that the money, No. 1, gets out of the Federal Government within 30 days—something not in the Specter amendment—and that once it gets to the States, it has to be distributed within 60 days. And we appreciate that. But one of the problems we have had is getting the money out of the Federal Government to the States, and we also have to assure that the money gets where it is most needed—to our first responders.

I urge our colleagues to support the Schumer amendment as being far more reflective of the overall needs our country confronts when it comes to homeland security.

Across the country, there are common sounds that should trigger an alarm in all of us: the sound of a firehouse door closing for the final time; a police officer turning in his or her badge as it slides across the desk; or an ambulance door locking. In the cities

and the towns in the States we represent our first responders are losing their jobs.

States and cities are trying to deal with budget deficits—some the worst in a generation, and they simply do not have the money to keep paying for additional homeland security costs.

We need to work together—Republicans and Democrats—to provide them with the resources they need to strengthen our domestic defense.

Yes, we have made progress since September 11, but we have not done enough. That same message echoes from report after report, from our experts, from independent commissions, from our police commissioners, fire chiefs, mayors, doctors and nurses—we have not done enough to prevent and respond to another terrorist attack.

I cannot find a single credible security expert who has said, “We’re fine. We’ve done enough.” “There’s no need to guard our chemical plants and nuclear plants. It’s okay if we only check 2 percent of the containers that come through our ports. Don’t worry about hiring border guards they don’t need the extra support. We don’t need to give our police officers, firefighters, and emergency response personnel the equipment they need. We’re fine, and ‘All’s Quiet on the Homefront.’”

You know last week, the President was asked about how long the war in Iraq would take and he responded correctly, “How ever long it takes.”

That’s the same attitude we need to use for homeland security—“whatever it takes” to protect the American people. This isn’t a new public work project or an example of frivolous spending; this is about securing our country on the frontlines here at home. And for 18 months our cities and States and counties have been shouldering this burden alone. Homeland security is a national priority and these costs and these responsibilities should be shared by the Nation.

So what are we doing?

What we are doing 18 months after that tragic day in September when nearly 3,000 Americans lost their lives still debating homeland security?

Still debating whether or not we should not take the steps we need to take in order to prevent another day like that from ever happening again. Still talking about whether or not we should provide our first responders with the support they need.

Homeland security is a concern we all share. We should not allow politics to prevail over our Nation’s protection. We should not let it get in the way of strengthening our border and port security, improving security at our chemical and nuclear plants, and providing critical support for our police officers, firefighters, emergency personnel, and public health officials.

Why would some in this Chamber willingly say “no” to critical steps that would improve our domestic defense? Why would our colleagues who care just as much about their constitu-

ent’s safety as I care about the people of New York say, “no, this isn’t the right vehicle for these investments. No, this isn’t the right time for homeland security because this supplemental bill is for spending that’s an emergency—it’s for the war.”

This is the right vehicle. This is the right time. This is an emergency. This is funding that does go toward winning the war against terrorism here at home. And this would be the right moment for Washington to send a clear message to the millions of first responders across this Nation who have sacrificed in order to keep us safe—we support you too.

This amendment that I am proposing with Senator SCHUMER and Senator MIKULSKI would provide \$4.3 billion for critical first responder funding. It includes \$3 billion for grants to States and local governments; another \$1.045 billion for high-threat areas like New York City; \$155 million for the FIRE Act, and \$130 million for the COPS Program.

Yes, the President’s proposal last week was a good start, but it is not nearly enough for what we need to do here at home in order to fight this two-front war.

This amendment would provide \$3 billion to Office of Domestic Preparedness at DHS for grants to States and Local Governments:

\$2.5 billion of this funding would go toward equipment, training, exercises, planning, and first responder personnel costs.

The Federal Government must pass the money to States within 30 days.

States must pass on at least 80 percent of this money to local communities within 30 days of the date they receive it.

And States and local governments may use up to 20 percent of this \$2.5 billion for first responder personnel costs, including overtime.

For the last 18 months, our majors, fire chiefs, police commissioners, and public health officials have been telling me that they need more help from Washington to better protect the American people. This amendment provides that help. It guarantees that the Federal resources will get out of Washington and to the state houses and to our local first responders quickly so that they can continue to do what they do best—keep America safe.

In January I gave a speech at John Jay in New York City to talk about how our country needed to renew its commitment to strengthen our domestic defense. I also released a report that showed how 70 percent of New York cities and counties had not received any federal homeland security funding.

I continue to work with the U.S. Conference of Mayors, national police organizations, firefighters, and emergency medical technicians from across the country to find the best way to support our first responders. And I spoke with Secretary Ridge the other

day to talk about improving this formula to meet our country’s needs, and he agrees.

Within the \$3 billion for State grants, \$500 million is set-aside for States and local communities to secure critical infrastructure security—bridges, nuclear and chemical plants, water treatment facilities, communication centers to name a few.

All of this money may be used for first responder personnel costs, including overtime. The States must provide 80 percent of this funding to local communities, with states allowed to use 20 percent. And again, the federal government must send this money to the States within 30 days, and the States must pass through 80 percent of the funds to local communities within 30 days.

These ideas follow my block grant proposal of 2001 and I am very pleased that the leadership has adopted my other proposal to put aside more than \$1 billion for high threat areas. And I want to thank my colleague Senator BYRD for understanding that New York’s needs are different because it is the top target for terrorists.

The \$1.045 billion for high-threat areas would be disbursed based on whether or not there is a credible threat, over-all vulnerability, critical infrastructure that is important to the Nation, population, and the needs of public safety organizations.

This isn’t just good for New York City and DC; it’s good for all of our Nation’s most vulnerable targets. This applies to Arizona and the recent threat against the nuclear power plant. This amendment would help cover extra security costs. Recent news reports suggested that al-Qaida was targeting the Arizona Memorial at Pearl Harbor. This would help Hawaii cover costs and take precautions. It would assist Las Vegas Nevada where the population doubles Friday through Sunday. This would benefit Florida and help them cover costs to secure Disney World.

These are high-threat areas. They are different and they need extra assistance. Let’s look at recent “code orange” costs. According to the U.S. Conference of Mayors, they estimate that cities are spending an extra \$70 million a week. In six months, when this supplemental runs out, that’s \$2 billion in costs. \$2 billion they don’t have, but costs they will incur because they are honoring their commitment to protect this country.

During the “code orange,” New York and New York City are spending a total of \$12 million a week. In the supplemental, the President set aside only \$50 million to cover such costs for every high-risk area. New York will have exhausted those resources by the end of next week. That’s why we need this extra \$1 billion for high-threat areas. And we cannot forget that it’s not just in our cities where extra security steps are being taken. Who would have thought that a terrorist cell was working in Lackawanna, NY? This could

have been a small town in Missouri, Texas, or Pennsylvania.

I know that some of my colleagues believe that their State isn't a target—they may think that because their state is small, it's safe. I bet the chief of police in Lackawanna, NY, would beg to differ about the likelihood of terrorists turning up in small towns. He would say we cannot forget that the terrorists continue to plot and plan against us, and we can't predict exactly where they will turn up.

Yesterday, the FBI issued a new warning to their field agents to look out for people making chemicals like Ricin. Yesterday, the Wall Street Journal reported that the Bush administration was getting ready to launch a plan to increase chemical plant security. The Department of Homeland Security's spokesman said, "We realize that voluntary efforts alone will not be sufficient to assure the appropriate level of security across the chemical sector."

And in the last few weeks, we heard Secretary of State Powell, FBI Director Mueller, Secretary Ridge and CIA Director Tenet all state that another attack by al-Qaida is not a matter of "if" but "when."

We can all hope for the best, but I think it's best to plan and prepare for the worst.

Why would any of us want to take a risk that "when" that day comes, it would be in someone else's back yard—a tragedy in another state across the Continental Divide and not my problem. When any city or State or American interest abroad has been attacked like we were. America was attacked and Washington and the country united to deal with that aftermath.

Again, we have to do that today to pass this amendment and improve our domestic defense.

I believe that Retired Colonel Randy Larsen, from the ANSER Institute said it best when he testified about the Hart-Rudman report on November 14, 2002. He said, "All of us want what is best for America. But we do not have much time. We must get it right—or close to right—very soon. I cannot repeat often enough: America is at war. We need to act like it while there is still time to prepare."

But they way to prepare, the way to fund homeland security isn't by taking money from existing traditional first responder programs. That's why this amendment also includes \$155 million for the FIRE Act, and \$130 million for the COPS Program. We need to fully fund every traditional first responder program. Since 1994, COPS has helped nearly 12,950 jurisdictions through 27 different grant programs. As of September 2002, COPS had provided funding for 116,573 community policing professionals across the country.

It has played a critical role in reducing crime. It has worked well in the past, and it will continue to work well in the future to help our communities fight crime. And it should not be used to fund homeland security.

The same applies to the FIRE Act. The \$155 million here ensures full funding—\$900 million—for the FIRE Act for FY 2003. This program assists fire departments in protecting communities and fire fighters' health and safety. Local communities may use the funding for training, equipment and additional staffing.

Currently, 2/3 of this Nation's fire departments do not meet the standards for adequate staffing. Congress would never allow our Army to engage in a war with 2/3 of its divisions understaffed.

But this is exactly what we are asking our fire fighters to do. To date this grant program has received requests totaling more than \$2 billion. The program's funding levels only allow it to award grants that a small percentage of that need. In the event of a terrorist act, fire fighters are the troops on the front lines. And they deserve our full support.

So when we think about all of the good that comes out of this amendment and the others that strengthen our domestic defense, why wouldn't every leader support these steps?

There are some who may try to defeat domestic defense funding by saying that the only dollars that should be included in the emergency supplemental are those that go toward winning this war. I agree, we should only be talking about funding to fight the war, but I believe we need to fight the war on all fronts that it is being waged.

Every support that our troops in Iraq need to win will have the full support of Congress. We cannot forget about our men and women who continue to fight al-Qaida in Afghanistan—they too deserve every resource they need. And so do our domestic troops, our police, firefighters, and EMT's, on the frontlines here at home. The President's proposal last week was a good start, but it is not nearly enough. The Congress and the administration have the opportunity to do so much good for our first responders and strengthen the domestic defense of our Nation. It would be a shame if we did not take advantage of this moment, use this as the moment Washington turned the page and said the time has come, whatever it takes, we will give it our all to secure our country.

But instead of using this as a chance to do more for our country, we're hearing phrases like "beat them straight up." "We will fight it out." "Defeat them." Those aren't words meant for Saddam Hussein or al-Qaida. Those are fighting words against those of us who are trying to get more homeland security funding, new masks for fire fighters, extra patrols along our borders and at nuclear power plants, guards at tunnels and bridges, new high tech equipment to track radioactive material, and more help for the Coast Guard.

We seem to have gotten stuck in a dialogue that eliminates our ability to look at a great American tradition

that is at stake in this debate. Some of our country's greatest successes reside in our ability to do whatever it takes to do what is right for the greater good of our country.

Imagine if George Washington had decided at the battle of Brooklyn that it was too much of a challenge for the army to retreat to Manhattan that night? That decisive act saved the majority of our army, made victory inevitable, and this debate possible.

What about Lewis and Clark? What if they turned back just after they had embarked on their journey? Or imagine if Jefferson believed that it would take too long and that it was too much for two men to search for that path to the Pacific? But his belief in them, the task at hand, and that expansion and exploration was critical to a young nation.

What about Josuah Chamberline, a professor from Bowdoin College in Maine and what he did for our country at the battle of Gettysburg. He and his regiment stood their ground at Little Round Top. Against overwhelming odds and the future of the Union resting on his shoulders, Chamberline charged. His regiment followed, they prevented the south from taking that hill, and our Union was preserved.

Or when President Lincoln gave the final speech about Reconstruction in April 1865, he did not buckle at the great challenge of uniting a divided and partially destroyed country.

Or today, what if we as a Congress decided to only partially support our troops in Iraq? What kind of victory would follow if we balked at the challenge? So then why would we not do the same for our domestic defense? Why wouldn't we support our first responders?

Again, our country's success rises and falls in our ability to confront great challenges. On September 11th, we were tested once again. The new challenges that came out of that tragic day are what we are debating today. These are the stakes.

The Senate has a choice to meet the new demands against the war on terrorism at home, to finally give it our all to protect this country, and to carry on this tradition of never giving up and doing what it takes to do what is right.

Or we can bow our heads, look the other way and pray that tragedy does not strike again on our shores and hope that if the alarms do ring in our fire stations and police stations, our brave men and women in uniform here at home are ready to answer the call to 9-1-1.

I urge my colleagues to make the right choice and support this amendment.

Mr. AKAKA. Mr. President, I am pleased to join Senators SCHUMER, CLINTON, and MIKULSKI in offering this amendment that addresses funding shortfalls for the Federal, State, and local first responders who are on the front lines of the war on terrorism. I

am disappointed that since 9/11, the administration has failed to provide adequate funding for local governments to prepare for the possibility of new terrorist attacks.

This funding is critically important to Hawaii. The Hawaii State Civil Defense estimates that a response to a weapons of mass destruction attack would challenge the State's emergency response system. As with all States, in the event of a terrorist attack, Hawaii would rely on Federal, State, and local officials. However, unlike all States but Alaska, external assistance from the U.S. mainland is not immediately available. Hawaii's geographic location makes mutual aid from mainland States or from other Pacific jurisdictions impossible.

As a result, Hawaii's State Civil Defense estimates that each of the State's four counties need the capability to sustain an effective response to any weapons of mass destruction attack for up to 72 hours.

Independent experts and government officials have repeatedly warned that first responders do not have sufficient resources. A Council on Foreign Relations Task Force Report entitled "America—Still Unprepared, Still in Danger" concluded that first responders are not prepared for a weapons of mass destruction attack. According to the same report, first responders lack the training and equipment to protect themselves and the public in an emergency and do not have radios that can communicate with one another. In fact, the National Fire Protection Association estimates that only one-quarter of the Nation's fire departments have equipment to communicate with State and Federal emergency officials.

Our amendment takes important steps to respond to funding shortfalls by providing \$4.3 billion for first responders, including \$3 billion for State and local first responders.

Mr. LIEBERMAN. Mr. President, I rise in strong support of Senator SCHUMER's amendment, which I am proud to cosponsor.

We spent much of last year on the Senate floor talking about how to reorganize our Federal Government to meet and beat the challenge of terrorism. In the end, we passed a bill creating a Department of Homeland Security that for the first time is refocusing and reorganizing the Federal Government to make America safer.

But we have said all along that while better organization is a necessary prerequisite to making us safer, it isn't enough. We need to put dollars where the danger is. You can't protect your house in a dangerous neighborhood with a jerry-rigged lock or no lock at all. A "Beware of Dog" sign isn't good enough. You need to spend some money. You need to buy a real lock. You need to get a decent dog.

The President often says that America has the resolve it needs to win this war against terrorism. And that is true. Americans are resolute. They are

courageous. They are prepared to face down danger and do what it takes to overcome it. That is especially true of the men and women in our fire departments, police departments, emergency medical offices, and hospitals the men and women we call first responders.

Resolve, however, will only go so far if it isn't matched by real resources. Can resolve buy interoperable communications equipment? Pay for firefighters' overtime? Install a security system at a port? Upgrade the information sharing databases in local communities? Dramatically improve public health systems to deal with biological or chemical attacks? No all those urgent improvements and others demand more than resolve. They demand resources.

Right now the resources are nowhere to be found. This administration seems determined to do homeland security on the cheap adding just \$300 million to the budget for next fiscal year for homeland security. And the reason boils down to one reason and one reason only. The administration is committed to protecting \$2 trillion in unfair, unfocused, and ineffective tax cuts, at all costs. On this, it will not budge. It will not yield. It will not reconsider a single digit or a single dollar.

That irrational and ideological commitment to those unaffordable tax cuts has squeezed out every other priority. It has raided the national cupboard at a time when we desperately need new resources to tackle new threats.

America has the greatest military in the world, and that is because we have paid for it. Generation after generation, we have worked together across party lines and every other division to invest in our Armed Forces and the men and women who dedicate their lives to the common defense. We are truly, to recall President Kennedy, willing to pay any price and bear any burden to deter and defeat foreign threats.

There is no way around this: If we want the best domestic defenses, we will have to pay for them, too.

At the State and local level, where fiscal crises are already forcing cuts in services, the Federal Government's failure to invest is especially serious.

The amendment under consideration today addresses the critical shortfalls facing our local communities by providing \$3 billion in first responder grants to States in the wartime supplemental budget, and over \$1 billion for grants to high threat urban areas. In addition to these first responder grants, the amendment provides \$155 million in grants to fire departments to fully fund the \$900 million authorized level, and an additional \$130 million to the COPS Program, which will fund additional police costs.

This is the least we can provide. As you may know, I have called for a still greater investment—\$7.5 billion for our first responders above and beyond the President's proposal in next year's

budget—and \$16 billion overall in that budget above and beyond the paltry \$300 million increase.

But this amendment, along with the other amendments I am proud to cosponsor that will come before the Senate today, is a good start, a necessary start. Let me give you a few examples of the urgent needs throughout America today that it would begin to address:

New York Mayor Michael Bloomberg said his city is currently spending \$5 million a week to post armed units at potential targets like Times Square, conduct bioterrorism detection, and prepare police in the five boroughs to operate as independent departments should the Manhattan headquarters be disabled in an emergency.

According to The Washington Post in an article published April 1—and, no, unfortunately it wasn't an April Fool's joke—Los Angeles "has grown so desperate waiting for federal money that last week it reluctantly raided a municipal trust fund for \$4.5 million and bought 1,000 chemical protection suits for firefighters and police." L.A. has also reduced staffing at its 24-hour emergency operation center in part to save money on security costs.

According to The Baltimore Sun, the mayor's office in Baltimore estimates that the city needs to spend another \$8.4 million on new communications and hazmat equipment, protective gear, and training, not to mention another \$122 million to upgrade water treatment plants, build a new emergency operations center, and more.

The list goes on. My own home community of New Haven, CT, has been able to outfit about 10 percent—just 10 percent—of its 300 firefighters with protective equipment that will be needed to respond in the event of a chemical or biological attack.

Let's face it. Meeting those needs and others will take more money from Washington, plain and simple. But some don't seem to understand that. The majority leader, Senator FRIST, was quoted in CongressDaily as saying that, "It is unnecessary and wasteful to spend more money at the federal level. The problem is not the federal availability of money. It's getting it down to the local level."

With all respect, that is just not the case. In fact, according to the National Governors Association, States have already obligated or spent more than 90 percent of their Federal funds. And to complicate things, many States have been spending their own money for 15 months but have yet to be reimbursed by the slow and cumbersome process through which money flows from the Federal Government to States and localities. This is only exacerbating budget crises at the State and local level, where many communities are actually laying off and reducing the number of first responders—so we are going backwards. The reality is that we need to get more funding to first responders, and we need to get it to them as quickly as possible.

The bottom line is this: We must get our first responders more resources and we need to do it without further delay. Enough posturing, enough politics. Let's rise above partisanship and put the national interest first.

The strain on our local first responders has put them in a fiscal strait-jacket of historic proportions—one we must relieve now if we are to protect Americans from terrorism.

Nevertheless, let's be fair. Let's realize that, yes, we have made some progress in the 18 months since September 11. Today we are better equipped to handle a second September 11. Our skies are safer. The FBI has announced major reforms, which are in progress. I hope we are beginning to tackle the problem of intelligence coordination that plagued us in the weeks and months leading up to that dark day.

But the terrorists constantly change their methods. Next time, the threat isn't likely to come in the form of airplanes crashing into buildings. The weapon might only be visible under the microscope. Instead of arriving with a loud crash and flames, it might come quietly, secretly, surreptitiously. Just as September 11 challenged our police officers and firefighters as never before, a biological or chemical attack would challenge our public health first responders as never before.

The reality is, if that happens, we are nowhere near ready. As resolute and resourceful as our public health professionals are, they lack the support, the capabilities, and the funding they need to detect these deadly diseases swiftly and protect us effectively. We need significant new investment today to improve our readiness tomorrow.

Look at the reaction to the recent outbreak of Severe Acute Respiratory Syndrome, or SARS. An unknown microbial agent. A mysterious name. Those harrowing pictures of children with surgeon's masks covering their mouths and noses. The slow but consistent spread throughout Asia, and now around America. Travel warnings from the World Health Organization placing large swaths of the world off limits. This, by all accounts, is simply a serious disease with which we are unfamiliar—but the profile of the outbreak is frighteningly close to what we imagined a bioterror attack might look like.

The public health officials in our local communities are well informed and well trained. But working together with the CDC, they just don't have the tools to determine what is causing SARS. They don't have the tools to treat the victims. They don't have the tools to try to stop the spread of the disease in its tracks.

If SARS is 4-percent lethal, what will we do with a disease that is 80 percent lethal? What will we do with a disease that spreads faster and is harder to diagnose? Let's not cross our fingers and hope. Unfortunately, that is exactly what we are forced to do under the ad-

ministration's budget, which shortchanges investment in our local public health systems and hospitals.

As a result, our hospitals—already constrained by drastic budget cuts, are now rubbing quarters together when they need to be building substantial new capabilities to contend with the new threats. Time magazine put it this way: "Speed and calm, both critical in a state of emergency, can be taught without special gear, but training in certain techniques and life-saving equipment, like \$25,000 protective suits, don't come cheap. That means most of America's hospitals are ill-prepared to face a major disaster."

According to the Greater New York Hospital Association, hospitals throughout the State have spent more than \$200 million on security and emergency response improvements that they never imagined would be necessary before September 11—with plans to spend more than that in the coming year. What has Washington's contribution been? About \$8 million in new funding—less than the hospitals will spend on the new smallpox vaccination program alone.

These new demands are only further straining emergency rooms that are already stretched to the limit. Dr. Cai Glushak, director of emergency medicine at the University of Chicago, described the state of Chicago's hospitals this way: "The hospitals are vastly lacking in resources and have yet to address major things with brick and mortar to create truly adequate facilities to deal with a major contamination issue." He went on to say of his hospital, "If we had an onslaught of 20 people in this emergency room, it would be a catastrophe. It would be sending an external disaster on top of an internal overload."

How can we expect our hospitals, clinics, labs, and public health departments to protect us from unknown biothreats when they themselves are on the verge of being fiscally bedridden?

Now, of course money isn't all that local hospitals need from the Feds. They also need information, expertise, and guidance. They are getting some of that from the CDC. But a sustained improvement in our bioterror defense demands more than that. It demands a real investment. It demands Federal leadership. Those are sorely lacking in the budget requests that we have seen from this administration.

For the next fiscal year, I have called for \$3 billion in new homeland security funding over and above the president's proposal to shore up bioterror preparedness. Mr. President, \$1 billion of that increase would increase CDC grants to help State public health departments care for and track infectious disease outbreaks, \$500 million would help local hospitals increase capacity, training and supplies, and \$1.5 billion would help get new medical research as quickly as possible from "bench to bedside"—meaning, from the discovery phase into actual use.

Hand in hand with these efforts, we simply must jumpstart efforts to spark private sector production of the drugs, antidotes, and countermeasures we need to fight unknown chemical and biological agents. Again, the SARS example is instructive here as well.

We have no antidote for this disease. No vaccine. No countermeasure. No diagnostic. It is possible that the only effective medical response will turn out to be quarantine.

Imagine a biological weapon that spreads twice as fast and is twice as deadly. Do we really want quarantine to be our only answer? No—we need real medical shields to fight back against the biological and chemical weapons our enemies might use.

And we can't simply hope and pray for these to appear. Stocking our medicine cabinet with the right drugs to protect people from SARS will take months or years of research, months or years of investment, months or years of hard work by private and government professionals.

That is why we need to begin today—not in 6 months, not in a year—engaging every national resource we have to develop the drugs, vaccines, and antidotes we may need in the event of a biological attack. We know of dozens upon dozens of deadly agents for which we currently have no defense, and this does not even count the hybrid or genetically modified organisms we may see in the future. America is blessed with thousands and thousands of brilliant researchers in universities and companies across the country. Why not harness their ingenuity to develop those antidotes, those vaccines, those medicines? Senator HATCH and I have proposed legislation that would do exactly that.

I do not believe that Project Bio-shield, the limited incentive program the President has proposed, is remotely enough. At best, it focuses on short-term procurement of existing countermeasures, not on long-term research to deal with the threats for which we have no countermeasure. It will not lead to development of a broad-spectrum antibiotic, or to the development of powerful new research tools that will enable us to quickly develop an antiviral to deal with a new threat like SARS. It is a start, but it is late and it does not reflect the urgency that is warranted by the threat.

The bill Senator HATCH and I have introduced will put in place a broad range of incentives our private sector needs to start filling our medicine cabinet today so our public health first responders are not caught emptyhanded tomorrow, as they have been caught with SARS.

We are at war against terrorism. Our first responders—whether they go to work in firehouses, police precincts, hospitals, or laboratories—are our first line of defense. Let's not frustrate and condemn to failure those whose job it is to protect us—many of whom risk their lives—by failing to provide them

the resources they need to meet and beat the new and unfamiliar threats to our homeland.

The war against terrorism cannot be won with a magic wand, tough talk, or wishful thinking. It will take talent, training, and technology. It will take real, not rhetorical, partnership among every layer and level of government. It will take bipartisan action in Congress. It will take money. To begin providing our Government the resources it needs to protect us from terrorism, I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, I rise today in support of the amendment offered by Senators SCHUMER, CLINTON, MIKULSKI, and others. I am proud to join them as a cosponsor of this amendment that will provide desperately-needed funds directly to State and local governments to boost the emergency preparedness capabilities of our Nation's first responders. The amendment also provides much-needed funding for high threat urban areas, FIRE grants, and COPS.

Our Nation is at war, and we find ourselves facing enormous challenges, both at home and abroad. The American people have responded to those challenges and are performing with skill and determination and valor on both fronts.

We have nearly a quarter of a million troops in the Middle East. Our soldiers and marines have been engaging tenacious guerilla fighters in Iraq's harshest weather conditions. Our sailors are superbly executing their complex missions. Our Air Force already has performed thousands of missions over long distances amid withering ground fire, eliminating threats to all our troops. And we have National Guard units being called up all across the country to prepare for what could turn into a lengthy assignment overseas.

Here on the homefront, our first responders and thousands of dedicated Federal workers are giving their all to preparedness and prevention. Police officers, firefighters, and emergency medical response providers are being pushed to the limit with added duties, longer shifts, and cancelled time off. The new responsibilities they are shouldering in guarding against and preparing for terrorism have become largely unfunded mandates on them and on their States and communities. Every time the threat alert level is raised, it takes millions more in local and State costs to respond.

The administration readily accepts the need to fund our antiterrorism efforts abroad, but the administration continues to downplay and minimize the real needs in real communities across the Nation for adequate resources to meet homeland defense needs here at home. That must change. We need to do both we need a robust response to terrorism on both fronts, here and abroad.

This supplemental spending plan the President submitted to the Congress

addresses costs in Iraq and other locations overseas but misses the mark by a mile in funding our needs on the homefront. We are fighting a two-front war, yet the President's request mostly only addresses the war in Iraq—as well as the needs of a few coalition allies.

It is frustrating, as well as more than a little ironic, that after all of the repeated requests from Congress and State and local officials, over a period now of a year and a half, about the need for taking care of the fight against terrorism at home, the administration has decided to request almost \$8 billion in assistance on behalf of the foreign nations that it considers helpful in the war against Iraq, but only \$2 billion for first responders. The Nation's Governors and mayors have made abundantly clear the urgent need for that same level of funding, \$8 billion. Our hometown heroes need help now.

In recent months, the Nation's first responder needs have grown increasingly urgent. I have repeatedly joined with congressional leaders like Senator BYRD, Senator DASCHLE, and others in asking the President, in this supplemental request for appropriations, to include at least \$5 billion for our State and local first responders. But the administration has fallen far short in this bill, including only \$2 billion to assist State and local governments to support federally mandated terrorism preparedness during this time of heightened threats and insecurity. The amount included in the supplemental is inadequate.

No Federal agencies are doing the jobs that we need first responders to do. When terrorists attack, the first call that is made is not to a Federal agency in Washington. It is to 9-1-1, for their State and local first responders. The responsibility now falls to the Congress to boost funding for our first responders. We are in a two-front war, overseas and here at home, and we need to fund both.

The sooner we help first responders help us in the war on terrorism, the better. I hope you will agree that our Governors and mayors know what their States and communities need to be safe from and respond to terrorist attacks. My colleagues and I who introduce this amendment have heard their pleas and responded. I hope the Congress will respond accordingly, even though the administration so far has not.

Mr. KENNEDY. Mr. President, September 11, 2001, taught us that the Nation is vulnerable to terrorist attacks on our own soil. In Massachusetts, almost 200 families lost loved ones on that day, and they bear an especially heavy share of the burden of that vulnerability.

Here in Congress, we are each committed to do all we can to see that 9/11 never happens again. We need to work together to provide the resources to prevent terrorists from attacking the cities, the towns, the villages, and the communities we all care so much about in our States and across this country.

Yet we failed to live up to our responsibility yesterday during the debate on Senator HOLLINGS' needed proposal to strengthen the protection of our seaports. It would have provided \$1 billion to begin to protect our Nation's notoriously porous and vulnerable ports. Yet during the debate on the amendment, opponents questioned "where will it end?" as if this was such an extravagant investment. It was defeated, and I cannot understand why.

One billion dollars was proposed to secure our seaports against sabotage, dirty bombs or worse in cargo containers. Was that really too much—even though the President has pledged \$9 billion in aid to other nations to help them protect their own citizens?

These entryways into the United States are responsible for 95 percent of all U.S. international trade, but only about 2 percent of all cargo is now being inspected. An urgent proposal to do more, and do it now, should certainly get a unanimous vote in the Senate. The stakes are too high. September 11 taught us what can happen.

Obviously, we don't have unlimited funds. Obviously, we can't make ourselves 100 percent free of the terrorist threat. But can we really say that we are doing all we can when the overall bill before us provides only \$2 billion to help State and local governments meet their new security requirements? Facing serious budget reductions of their own, the Nation's cities are spending an additional \$70 million a week on direct homeland security costs, and tens of millions more in indirect costs.

But can we really say we are doing all we can when Federal assistance for homeland security has, to date, provided the entire State of Massachusetts with only \$11 million, the entire State of Pennsylvania with only \$18.5 million, and the entire State of California with only \$45 million?

Can we say we are doing all we can—let alone all that we should—when the bill before us provides the grand total of only \$100 million to protect all the high-level-threat urban areas in the country?

How many of these high-level-threat urban areas are there?

Is \$100 million enough—or is it only a drop in the bucket—when we are talking about the security of Atlanta or Austin or Baltimore or Boston or Charleston or Cleveland or Chicago or Dallas or Denver or Detroit or Houston or Las Vegas or Los Angeles or Miami or Milwaukee or Minneapolis or New York City or New Orleans or Philadelphia or Phoenix or Portland or Pittsburgh or Seattle or St. Louis or St. Paul or San Diego or San Antonio or San Francisco or Tampa or Washington, DC, or dozens of other American cities that can legitimately be called high-threat areas.

Mr. President, \$100 million for high-level urban threat areas—just for the 29 cities I mentioned above, that works out to \$3.3 million for each city. That won't go very far in New York City,

where the mayor is spending \$5 million a week.

It won't go very far in Boston, which is struggling to meet its security obligations while confronting a potential 2-year State-aid cut of \$153 million. As a result of these cuts, and declining tax revenues brought about by the recession, there will be no incoming class of police officers for Boston this year. No incoming class, when the threats to the city are unprecedented and when 18 of Boston's officers are serving their country in Iraq.

Is Boston supposed to take on these new challenges, with only token financial support from Washington?

Apparently, Boston is to go it alone in its efforts to prevent a terrorist attack on any of the 61 hazardous material storage facilities that dot its waterfront. Boston alone is supposed to protect the home heating oil depots along its expressway. And Boston alone is supposed to prevent terrorists from commandeering any one of the hundreds of cruise vessels that stop in our port every year.

Instead of wondering where it will end, a better question for us to be asking ourselves today is: How can we go back to our States without doing all we can to protect our communities?

Last week, half of the Senate had no problem voting for a massively excessive tax cut for the wealthiest Americans on the flimsiest of economic justifications. Yet now we have voted down \$1 billion to protect our seaports—even though their vulnerability could have immediate and devastating effects on our economy—and we are reluctant to add another \$2 billion to secure our communities.

The amendment before us is modest. It does not try to change the fundamental fiscal relationships between the Federal, State, and local governments. It simply says that we can do more. We can do more than the bare minimum that the President's Budget Director says is absolutely necessary. We can do more so that our Nation's homeland security isn't entirely dependent upon property taxes, lottery revenues, and car washes.

The amendment before us would increase assistance to first responders by \$1 billion, provide a total of \$1.05 billion for assistance to high threat urban areas, \$155 million for firefighter's equipment grants, and \$130 million for staffing and overtime expenses for COPS Program activities.

In the context of an unprecedented supplemental appropriation request of \$74.8 billion, and with the backdrop of heightened domestic security, can anyone really pretend that these investments are unwise or unnecessary?

Today, I spoke to 17 mayors in Massachusetts by conference call, all of whom are struggling to meet the challenges of post-September 11 security—and none of whom know how they can go on bearing these costs alone. Their obstacles are impossible to overcome.

Mayor Fred Kalisz of New Bedford, a city of 94,000 people and home of the

Nation's highest value commercial fishing fleet, has incurred \$500,000 in specific homeland security expenses to date and has come up with list of \$3.4 million in essential capital security requests to protect his city's port, its commercial fishing fleet, and key public facilities. He has no way to pay for these costs. He recently had to suspend drug and alcohol prevention programs for New Bedford's youth.

Mayor John Barrett of North Adams, a city of only 14,000 people, has to deploy his small town police force to secure two nuclear powerplants—including 533 spent radioactive fuel rods—against terrorist attack.

In Everett, a city of 38,000 people located just outside Boston, Mayor David Ragucci spends \$10,000 a day to secure facilities containing 685,000 gallons of propane, 95 million gallons of jet fuel and a 1500 megawatt powerplant from terrorist attack. In the wake of a \$4.5 million budget cut, Mayor Ragucci deserves a combat medal for his efforts to protect these facilities which are within 5 miles of nearly 1 million people.

Mayor Bill Whelan of Quincy, a city of 88,000 people, has been hit with over \$300,000 in overtime and other personnel costs responding to over 300 anthrax and hazardous materials calls since 9/11. He also has had to begin patrolling the city's 27 miles of open coastline, and begin providing 24-hour police protection for a Muslim place of worship. And he is staring at \$4.3 million of State local aid cuts in the face.

In Fall River, with 92,000 people, Mayor Ed Lambert has done a good job so far balancing a very difficult situation. With a reservoir that serves 200,000 people and the State's largest bridge within city limits, Mayor Lambert has had to dramatically increase security at both these critical sites. But, he has had to do it while cutting back his police and fire forces in response to difficult budget shortfalls. Over the last 18 months, Fall River has lost 15 percent of its police force and 10 percent of its firefighters because of budget cuts.

In Brockton, Mayor Jack Yunits has been trying to meet the challenges confronting his city of 94,000 while dealing with the loss of 17 police officers. Another six will soon be retiring, and there is no funding to replace them. Among the mayor's chief homeland security challenges is the safety and well-being of the 6,000 students and faculty who attend Brockton High School each day, the largest high school this side of the Mississippi River. His difficulties will soon be compounded if the proposed State cut of \$2.9 million from his budget becomes law.

In Lowell, with a population 105,000, six of its police officers and a fireman have been sent to Iraq. With a police force of 220, Lowell may have to insist on 30 early retirements this year to meet its budget constraints. City Manager John Cox tells me that for the first time in recent memory, there will be no new recruits from the police academy.

Worcester is Massachusetts' second largest city, and Mayor Tim Murray tells me that he has lost over 80 police officers and 86 firefighters due to budget difficulties.

All these mayors have their backs against the wall. They are trying as hard as they can to protect their security, but they are not being given the help they need.

I think Mayor Yunits from Brockton said it best "Our first responders are fighting for their jobs, while they continue fighting to protect us."

They will keep at it, I am sure, because they care about this country. They care about their city. They care about protecting their citizens. They care about doing every last thing possible to prevent another disaster on American soil.

Shouldn't we in the Senate—with our responsibility to protect the American people—at least try to help ease this burden?

I urge my colleagues to support this amendment, and send a message to the Governors and mayors of America that they are not alone, that they can count on Congress to provide more than mere photo opportunities as they confront the threat of domestic terrorism in their communities.

Mrs. BOXER. Mr. President, first, let me thank Senator SCHUMER for offering this amendment to immediately provide more resources to our local first responders. I am pleased to be a cosponsor of this amendment.

This amendment is vital to our first responders at the State and local levels of government. We must increase the resources available so that our police, firefighters, and other emergency personnel can help prevent and respond to terrorist acts.

This amendment makes \$2.2 billion available to the Office for Domestic Preparedness in the Department of Homeland Security.

This \$2.2 billion is for direct grants to States and local governments. This funding will be passed to the States, and then on to local governments within 45 days.

This expediency is an important concern of many States, including my State of California. We have all heard about the budget shortages that many States are facing. These budget shortages then affect cities and counties.

My State of California is facing a budget shortfall of between \$26 and \$35 billion. In California, revenue from vehicle license fees helps communities pay for the equivalent of 12,000 police officers or 15,000 firefighters for one year. But, because of the State shortfall, this funding may not be passed on to local communities.

Already, the financial crunch is taking its toll. For example, the city of Marysville faces a \$700,000 budget shortfall. This shortfall will affect the police payroll, which accounts for 60 percent of the city's budget. The cities of Santa Cruz, and Napa have also made cuts in police and fire departments. This amendment will assist cities like Marysville, Santa Cruz and

Napa to have full teams of first responders.

On top of this budget crunch, the Federal Government has handed additional responsibilities and a heightened terror alert to already troubled State and local governments. The states are paying for security costs that the Federal Government has asked them to cover. In California, the Governor estimates \$500 million in statewide homeland defense costs for the State and local governments. These estimates are probably low, especially if the war in Iraq goes on for several months.

The city of Los Angeles spent an additional \$4.2 million just during the 20 days of code orange to meet the demands of heightened security. The city of Fresno is spending between \$15,000 and \$20,000 per week on homeland security costs. On average, the city of San Francisco is spending \$2.3 million per week, second only to New York City. In fact, of the five cities nationwide that are spending the most money on protecting the homeland, two of them—San Francisco and Los Angeles—are in my State.

This amendment is vital for our communities, vital for our local police, vital for our local firefighters, vital for the protection of the American people. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I yield 3 minutes to another sponsor of the amendment, somebody who has fought long and hard for first responders and localities, the people of Maryland, the Senator from Maryland, Ms. MIKULSKI.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 3 minutes.

Ms. MIKULSKI. Mr. President, I am pleased to join with my colleagues, Senators SCHUMER and CLINTON, who have been working steadfastly to get the resources we need to properly fund homeland security. They have stood up not only for New York but for all of America because we know that homeland security cannot be done on the cheap. We are at war. We are at war in Iraq, and we need to support our troops. But we are at war here. The President of the United States, George Bush, said we are at war here in the war against terrorism and we need to support the hometown, homeland troops. They are our first responders.

Where are they? They are in local governments. They are in fire stations. They are in police stations. They are standing sentry behind the ambulances ready to respond to any emergency need. When a citizen calls 911 because of an event that has happened in their community, it happens locally.

The Schumer-Clinton-Mikulski amendment not only gives more money, which is desperately needed, but it brings money to the local communities where it is needed.

We live in the capital region, we in Maryland, whether it is Montgomery

County or Prince George's or Baltimore City. Our overtime is skyrocketing. We are spending loads of money in the protection for infrastructure. In Baltimore, every time we go to code orange we are spending \$50,000 a week on police overtime. Prince George's County needs \$50 million just to be able to talk to the rest of the State in interoperable radio equipment. Anne Arundel County is responsible for the protection of the National Security Agency, the Naval Academy, the capitol of the State of Maryland, and BWI Airport. We say: Oh, wow, we can't afford to do it.

Let me say this: When the country goes to code orange, our local communities go to red ink. Local governments have no place to turn except higher property taxes. We say no to higher property taxes. We say yes to more funds for homeland security. If we want to wear the flag, let's stand up for the flag and let's stand up for the flag by supporting our first responders in the local community and by putting the money where our patriotism is, right in the Federal checkbook.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise in support of the Schumer amendment, but I also wanted to make a comment about the Specter amendment. I support the amendment of the Senators from New York and Maryland who are lead sponsors on this particular amendment. They are absolutely correct. We are not giving the resources that are necessary to first responders.

While the bill before us attempts in good measure to support the war underway, we always need to be prepared each and every day to fight the war on terrorism—which is broader than the battlefield in Iraq. The battlefield has now become in some sense the U.S. territory, and we need to do more faster. I realize we can't pay for every bill that is submitted, but we most certainly can do more than what we are doing. I intend to vote for the Schumer amendment.

I am not sure what I will do on the Specter amendment. I will say why. I think the offset is inappropriate. I understand there might be some consensus about the amendment of the Senator from Pennsylvania, but let me say what I object to strenuously in the amendment. To fund the high threat urban areas, a portion of the money, \$150 million, is taken from State and local governments, and a portion is taken from critical infrastructure protection. So here, as a Senator from Louisiana, I have to now be forced to choose—these are tough votes and this is a job we asked for—because on one hand, I do want to add money to the overall pot, which the amendment does, but I want to call to the attention of my colleagues that part of the offset is taking it away from protection for pipelines, chemical plants, ports, and other critical infrastructure

that could be described as highways, rail, et cetera, to support high urban threat areas.

It is a dilemma. I hope, however, it is resolved. Perhaps a better offset could be found in the conference report because I agree with Senator SCHUMER and Senator CLINTON that we have to do more. I don't agree with the proposal put down by the Senator from Pennsylvania that to solve that problem, it needs to be taken from States such as Louisiana—perhaps Texas could find itself in the same situation—having a tremendous amount of critical infrastructure to protect, which I might say to my colleagues in the Senate, supplies a tremendous amount of energy for the Nation. Those critical infrastructures are all over urban as well as rural parts of Louisiana. So I rise in support of the Schumer amendment, and with great reservations about the amendment offered by the Senator from Pennsylvania.

The PRESIDING OFFICER. Who yields time?

The Senator from New York.

Mr. SCHUMER. Mr. President, I yield 2 minutes to the Senator from Michigan, who has been a great supporter of first responders.

Ms. STABENOW. I thank my colleague. I rise as a cosponsor of this amendment. I commend my colleagues for bringing it forward.

As has been said so many times, we have two front lines in the battle on terrorism. We have come together virtually unanimously in support of our troops in Iraq and for the efforts on other soils away from our country. But here at home we have not done the same. Back in Michigan, I held nine different community meetings around the State, and I heard the same thing from our urban to rural areas: They are working hard, working overtime, but they cannot do it alone.

When our country was attacked, it was not just New York or Washington. They were, in fact, attacking the United States of America. We have an obligation to our hard-working men and women, the firefighters, the police officers, the emergency medical workers, to make sure we are partnering with them to make sure they have the resources they need.

I have heard so much about the need for communications equipment, bioterrorism training, additional personnel. They are saying to me that it is very frustrating when, on the one hand, we say we are getting them more money, and then we cut the COPS Program or the Fire Grant Program.

The Senator from Louisiana raises an important point about the Specter amendment as to where the dollars come from. I will support the Specter amendment, but we have to make sure these are really new dollars and not just moving from one pot to another pot because the reality is that our first responders cannot do this without our partnership and our support.

This is the time we are bringing forth the resources to fund the war to support our troops abroad. We have troops right here. They are asking us, finally, to support them. We have tried for 18 months to provide the resources, to let them know, and today is the day.

I hope my colleagues will join unanimously to do that.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, by way of a brief reply and comment on the arguments that have been made, I agree with a great deal of what has been said. It would be highly desirable to put in more money, but what we have seen today are efforts on the other side of the aisle to add funds, and a response on this side of the aisle, pretty much on party-line votes, to deny the addition. I have sought to find a figure that is significant, such as \$600 million, which will be agreed to by votes significantly on this side of the aisle, and with some votes on the other side of the aisle.

When the Senator from New York, Mrs. CLINTON, made the comment that there are features of Senator SCHUMER's amendment that expedite the disbursement of the funds, that is not included in my amendment because we don't really know what the formula should be. When Secretary Ridge testified before the Appropriations Committee on March 27, he agreed that the current formula on a population basis was inappropriate, that high-risk areas need more money. At the moment, we do not have a determination as to what those costs are. We have directed the Secretary to make that determination. Once he makes that determination, then we can make an allocation. I certainly would like to see more money.

I agree totally with the comments made about the bravery of the firefighters and of the police officers, and the threat of terrorism that has to be fought domestically as well as overseas. What I am looking for in my amendment is the art of the possible—to come up with a figure, and \$600 million is substantial.

It is true, as the Senator from Louisiana points out, money has been taken in other lines for \$300 million. But we have gotten the managers to agree to an additional \$200 million, so it is a matter of priorities. If you look at the high-risk areas, such as New Orleans, it is in the interest of the State of Louisiana to have this allocation.

How much of my time remains?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. SCHUMER. I inquire how much time I have.

The PRESIDING OFFICER. The Senator from New York has 4 minutes remaining.

Ms. LANDRIEU. Will the Senator from Pennsylvania yield?

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana has 2 minutes remaining.

Ms. LANDRIEU. Mr. President, I wish to respond to the Senator from Pennsylvania because this is a very important debate. I thank him, first, for the effort he has made to try to bring some compromise to the issue.

I restate how difficult it is for some of us from some States that have serious needs of critical infrastructure. We supply 20 percent of the Nation's oil and gas. I have more pipelines in my State than any other State in the Union. We are happy to provide the energy. We have more chemical plants than Illinois, New Jersey, and other States. To ask us to be forced to say we don't really need money for that and we can give money to urban areas—the fact is, we need to give money to both, and to New York, Pennsylvania, New Orleans, as well as other places where pipelines run under very small communities.

I hope the Senator from Pennsylvania will take seriously—and I know he does—what point I am making and perhaps work as a member of the Appropriations Committee as this bill moves through to try to find an additional remedy so we don't have to get rural areas giving up their money for urban areas, or urban areas giving up their money for rural areas, and we can try to make fair allocations to protect all of the critical infrastructure in the Nation, whether it is in rural or urban areas.

Mr. SPECTER. Mr. President, I think the Senator from Louisiana makes a valid point on the need for more funding. We are now on the emergency supplemental. We do not know at this moment what the costs are to protect all of these interests. We will know shortly. We have asked for 60 days. We will be moving forward with more appropriations bills. We are in the process now of moving forward.

The subcommittee, chaired by the distinguished Senator from Mississippi, on which I serve, will be taking it up. We will be interested to see the specifications as to what it costs to protect the interests identified by the Senator from Louisiana. But I think this is a substantial start. This is a combination of trying to get more funds in, and getting \$200 million is not easy on this side of the aisle. Making the reallocation of the \$600 million is a very material advance.

Ms. LANDRIEU. I thank the Senator for his comments. I look forward to working with him as we try to provide additional funding for the critical structure that is necessary throughout many places in the South and in the industrial East.

Mr. SCHUMER. Mr. President, I ask unanimous consent to add Senator LAUTENBERG as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I yield to the Senator from New Jersey 2 minutes.

Mr. LAUTENBERG. Mr. President, I rise in support of the amendment of-

fered by our colleagues, Senator SCHUMER, Senator CLINTON, and Senator MIKULSKI.

The amendment of the Senator from Pennsylvania, too, is an amendment that has to be considered favorably. This amendment would provide desperately needed funds to State and local governments to bolster their emergency preparedness. I am pleased the amendment sponsors have included my proposal to reimburse State and local governments for additional costs that they are incurring because they have not replaced the first responders called to active duty in the Reserves or National Guard.

Not surprisingly, many local police and fire and rescue and emergency medical service and hazardous material disposal personnel serve in the National Guard and Reserves. More and more, these men and women are being called up for longer and longer tours of active duty, and especially now that the war with Iraq is underway. It is critical that we bolster our military capabilities here and abroad but that we not do it at the expense of our safety and security at home.

I have spoken to a lot of mayors in New Jersey. New Jersey shared the impact of the terrible assault on the Trade Centers with New York, as 700 of our citizens died that day. What perplexes them is the fact that here they are being asked to bolster the defenses at home, to make sure they cover the emergency needs, and, in many instances, it takes people away to serve either in the Reserves or the National Guard, to put them on active duty.

They do not understand—and I agree with them—why it is we cannot take care of our defenses with strength at home as well as abroad.

I am pleased that the amendment sponsors have included my proposal to reimburse State and local governments and Indian tribes for the additional costs they incur replacing their first responders who are called to active duty in the Reserves or National Guard.

The 1.2 million men and women who serve in the National Guard and Reserves are a crucial component of our military. They account for just 8.3 percent of the Defense budget but give us the capability, if necessary, of nearly doubling our armed forces.

Not surprisingly, many local police, fire, rescue, emergency medical service, and emergency hazardous material disposal personnel serve in the National Guard and Reserves. More and more of these men and women are being called up for longer and longer tours of active duty, especially now that the war with Iraq has begun.

It is critical that we bolster our military capabilities here and abroad. But we must not do it at the expense of our safety and security at home.

Our local communities must have the necessary personnel to respond to terrorism, natural disasters, and other emergencies.

My proposal would reimburse State, local, and tribal governments for the additional costs they incur when their "first responders" who serve in the Reserves and the National Guard are called to active duty for 6 or more consecutive months.

Reimbursable costs could include the salary and benefits associated with hiring a replacement or the overtime paid to other emergency personnel who "fill in" for the first responder called to active duty.

The effect of my amendment would be to make such reimbursements an authorized use of the \$500 million contained in the underlying provision.

Increasingly, I am hearing from State and local officials who are concerned about the toll that active duty call-ups are taking on their emergency preparedness.

According to the Police Executive Research Forum, 452 of 1,002 law enforcement agencies and departments surveyed so far have lost personnel to call-ups.

The problem is worse in rural and smaller jurisdictions where just a few call-ups can decimate a police or fire department.

State and local governments are facing their worst fiscal crisis in over 50 years. We shouldn't leave them "holding the bag" when their first responders get called up. And we should not be making our communities *less* able to respond to terrorism, natural disasters, and other emergencies.

Again, I thank my colleagues from New York and Senator MIKULSKI for accommodating my proposal. I think my language makes a good amendment even better and I urge my colleagues to adopt it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. Mr. President, I yield to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the bill reported by the committee provides an additional \$2 billion in supplemental appropriations to enhance assistance to State and local first responders. It does so in a manner which builds on the State strategies; provides funding for enhanced security of critical infrastructure, and allows the Secretary to target funds to high threat urban areas.

This amendment does more than just boost funding for the Office for Domestic Preparedness. It mandates mechanisms for the dispersal of Federal funds which would dilute the impact of the supplemental funding altogether.

The amendment which has been offered requires a direct pass-through of grant funds to States within 30 days. This requirement would negate the strategic planning process the Office for Domestic Preparedness has developed and implemented with States to allocate funds to those with greatest need and it would undermine the States' regional approach which is cur-

rently supported by the majority of States.

The amendment requires that funds for grants be allocated to States based on the minimum grant requirement in the USA PATRIOT Act and the remaining amounts being distributed on a per capita basis. This is what is being done currently. However, it mandates that the funds be allocated to States within 30 days of enactment of the Act. This would not allow time for the States to submit a plan for the use of the funds requested which ensures some degree of accountability that Federal funds will be used to cover allowable costs.

The amendment further requires that not less than 80 percent of each State's funds be made available to units of local government based on population. Of the 80 percent mandated to go to localities, the amendment then requires 20 percent be used "shall be for"—"costs of law enforcement, fire, emergency medical services, and other emergency personnel, including covering overtime expenses."

In addition, the amendment allows grant funds to be used for "personnel funds". It does not define what this means. Does this mean hiring personnel or reimbursement of costs of existing personnel, or both? What is the baseline for determining this? What will ensure that Federal assistance supplement and not supplant existing levels of effort?

The amendment also does not define units of Local Government. If it truly means all local units will receive funds based on population, the Federal funding will be diluted by giving many small jurisdictions small grants. And, it will most likely cause further delay, if you consider there are over 3,100 counties, each containing townships, villages or other governmental units, and the States are required, as this amendment mandates, to disperse all these funds to this number of jurisdictions based on population within 30 days, and then to make sure that 20 percent of those funds be allocated only for specified purposes, as the amendment requires.

Where the current system relies on planning-based decisionmaking, this amendment resembles revenue sharing.

I realize that changes to the current system may be merited. Questions have been raised about the appropriate Federal share of the additional cost to States and local governments of terrorism preparedness and response efforts; what should properly be a Federal responsibility; and the formula for distributing funds, and the extent to which it properly reflects risks and vulnerabilities.

However, changes should be made after careful review by the authoring committees of jurisdiction, not done on this supplemental appropriations bill. The chairman of the Senate Government Affairs Committee has already announced a series of hearings, beginning next week, to review the Depart-

ment of Homeland Security's grant programs and their effectiveness.

I do know that with respect to making a decision on this here today, the current process is preferable to what is being proposed by this amendment. This amendment would only make things worse.

The same is true for the mechanism proposed by this amendment to deliver critical infrastructure protection funds to States. It would require funds be distributed on a per capita basis to States. Once funds are available to States, 50 percent must be made available to local jurisdictions within 30 days of receipt.

Again, it would dilute the funds being made available for security costs related to protection of critical infrastructure, which are intended to help State and local governments cover additional costs resulting from Operation Liberty Shield. Again, this is not targeted assistance, it is a revenue sharing approach to a problem.

The amendment also provides an additional \$155 million for grants under the Federal Fire Prevention and Control Act. There is no indication that additional funding is needed at this time. The Department of Homeland Security is still processing applications for the \$745 million made available for fiscal year 2003.

Plus, this additional funding, as well as an additional \$130 million proposed for the Department of Justice Community-Oriented Policing Services, is proposed on top of the amendment's requirement that 20 percent of local jurisdictions' share of State grants be used for "law enforcement, fire, emergency medical services, and other emergency personnel, including covering overtime expenses."

The bill reported by the Appropriations Committee includes \$2 billion in supplemental appropriations for the Office for Domestic Preparedness to assist State and local governments to expand their capacity to prepare and respond to potential terrorist acts.

It provides an additional \$1.42 billion for grants to States, at least 80 percent of which must be passed through to local governments. This funding is for the acquisition of equipment, training, exercises, and planning. It is intended to assist States to more aggressively implement their statewide domestic preparedness strategies.

In addition, the committee-reported bill provides an additional \$30 million in direct technical assistance to states for a variety of activities, as needed, including support for plan development and implementation of exercises.

It also provides \$450 million, as requested by the President, for State grants to assist State and local governments with the costs of augmenting security at critical infrastructure facilities during the period of hostilities with Iraq. This recognizes the new requirements imposed on States and localities by the immediate need for heightened protection of critical infrastructure facilities. We understand

that the department has already reached out to States to ensure security measures are under way for the most sensitive sites and has been working with governors in developing site protection plans so that these funds can be released rapidly.

Lastly, it provides an additional \$100 million to be targeted to high-risk urban areas, as determined by the Secretary of Homeland Security.

The amendment offered by the Senator from Pennsylvania would alter the amounts recommended in the committee-reported bill to provide total supplemental appropriations of \$600 million for assistance to high-threat urban areas and the total supplemental appropriations for the Office for Domestic Preparedness to \$2.2 billion. I support the Specter amendment, and I urge my colleagues to oppose the amendment offered by Senator SCHUMER.

Mr. SPECTER. Mr. President, I yield to the distinguished chairman.

Mr. STEVENS. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Pennsylvania has 8 minutes 16 seconds.

Mr. STEVENS. Mr. President, I want to make clear what I stated before. I do support the Specter amendment. By virtue of the approach the Senator from Pennsylvania has enunciated, we end up with more moneys in this area of great concern, but we increase the amount of money in the bill by \$200 million. There was already \$100 million in the committee-reported bill.

I do accept Senator SPECTER's approach to this. I am hopeful we can convince the House to recognize that this is the proper way to allocate the money the President requested and convince them that the amount we have in this bill is sufficient to meet the objectives we all seek to attain.

I urge Senators to vote for the Specter amendment. Again, reluctantly, I state I am opposed to the amendment offered by the Senator from New York and his colleagues.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. SPECTER. How much time remains on our side?

The PRESIDING OFFICER. The Senator from Pennsylvania has 7 minutes.

Mr. SPECTER. On the other side?

The PRESIDING OFFICER. The Senator from New York has 1 minute 50 seconds.

Mr. SPECTER. Mr. President, I am prepared to yield back time if the Senator from New York is.

Mr. SCHUMER. I am prepared to yield back our time as well so we can move this along.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 515.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote "yes."

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—65

Akaka	Dole	Mikulski
Alexander	Domenici	Miller
Allen	Durbin	Murkowski
Bayh	Edwards	Murray
Bennett	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Pryor
Brownback	Graham (FL)	Reid
Burns	Grassley	Roberts
Campbell	Hagel	Sarbanes
Cantwell	Hatch	Schumer
Chambliss	Hutchison	Shelby
Clinton	Jeffords	Smith
Cochran	Kohl	Smith
Coleman	Lautenberg	Snowe
Collins	Levin	Specter
Cornyn	Lieberman	Stabenow
Corzine	Lincoln	Stevens
Daschle	Lott	Talent
Dayton	Lugar	Voinovich
DeWine	McCain	Warner
Dodd	McConnell	Wyden

NAYS—32

Allard	Dorgan	Kyl
Baucus	Ensign	Landrieu
Biden	Enzi	Leahy
Bingaman	Feingold	Nickles
Breaux	Graham (SC)	Reed
Byrd	Gregg	Rockefeller
Carper	Harkin	Santorum
Chafee	Hollings	Sessions
Conrad	Inhofe	Sununu
Craig	Johnson	Thomas
Crapo	Kennedy	

NOT VOTING—3

Bunning Inouye Kerry

The amendment (No. 515) was agreed to.

CHANGE OF VOTE

Mr. BAUCUS. Mr. President, on vote No. 122, I voted aye. It was my intention to vote no. I ask unanimous consent that it be recorded as no. It does not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

VOTE ON AMENDMENT NO. 514

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask for the yeas and nays on the Schumer amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. STEVENS. Mr. President, I move to table that amendment.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote "yes."

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—51

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Burns	Graham (SC)	Sessions
Campbell	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Snowe
Cochran	Hatch	Specter
Coleman	Hutchison	Stevens
Collins	Inhofe	Sununu
Cornyn	Kyl	Talent
Craig	Lott	Thomas
Crapo	Lugar	Voinovich
DeWine	McCain	Warner

NAYS—46

Akaka	Dorgan	Lieberman
Baucus	Durbin	Lincoln
Bayh	Edwards	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Graham (FL)	Nelson (NE)
Breaux	Harkin	Pryor
Byrd	Hollings	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Stabenow
Daschle	Lautenberg	Wyden
Dayton	Leahy	
Dodd	Levin	

NOT VOTING—3

Bunning Inouye Kerry

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I would like to be able to discuss what we are going to do now. We have the managers' package that has some problems. We have to decide how to get out of it. It is my suggestion that we listen to the Senator from Arizona on some of the objections he has to items in the managers' package and see what we can do after the Senator explains his position.

How long would the Senator like to talk?

Mr. MCCAIN. Ten minutes.

Mr. STEVENS. I ask unanimous consent we listen to Senator MCCAIN for 10 minutes and see what objections we can possibly remedy with the problems he has with the managers' package.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent to be recognized when he has finished.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, approximately 40 minutes ago, maybe a half hour ago, we were given a "managers' package." The managers' package, the first group was—we haven't yet received the second group of amendments in the managers' package—27 amendments. There is \$10 million for the South Pole station in the managers' package; \$10 million for NOAA; \$600 million for the Department of Agriculture expert assistance; \$500 million for the DOJ and FEMA; \$281 million for the Department of Energy; \$5 million earmarked for a Kentucky public safety communications system. I haven't finished compiling the list because we haven't even had a chance to review these amendments.

I ask my colleagues again: How do you accept a managers' package—in this case worth billions, B as in billions—worth billions of dollars without any debate, without any vote, without any discussion that I know of of any kind? How do you do that? How do you do that?

I intend to have votes on parts of the managers' package. I don't know why we need in this bill \$10 million for the South Pole station. I did not know that al-Qaida had reached the South Pole. More importantly, how can we appropriate \$500 million for the Department of Justice and FEMA without even talking about it? Couldn't we debate it? Maybe it won't be absolutely necessary. Do we need \$281 million additional for the Department of Energy? I don't think the Department of Energy is on the frontline in the war in Iraq.

I am told by the Senator from Alaska—I have the greatest respect and, believe it or not, a great deal of affection for him—that, well, they would pass anyway and this is the best way to treat it because then he will be able to reduce it in the conference.

I am not a member of the conference. Most of us are not conferees. Most of us are just ordinary Senators who have a responsibility to our constituents, not to approve of a managers' package worth billions of dollars that none of us have ever seen or read—and you would not have seen or read it if I had not demanded that the managers' package be shown to us.

Is this the way to govern? Is this the way to spend the taxpayers' dollars? It cannot be. It cannot be the right thing to do.

I have great sympathy for what the Senator from Alaska is trying to achieve by getting this bill done, paying for the war, paying for the war on terror. But how do we sit here and accept billions of dollars in a managers' package that none of us—excuse me, all but a few of us have ever seen, debated, discussed, voted on, or will ever have anything to do with?

I trust the judgment of those who go to the appropriations conference, but I don't give them the responsibility that I have to the taxpayers of my State.

I am sure many of these amendments in the managers' package will pass. At least I will be able to go back and tell my constituents that I didn't support \$10 million for the South Pole Station in the name of fighting the war on terrorism and the war on Iraq. I have greater respect for the men and women in the military who are doing the fighting than to vote for \$10 million for the South Pole in the name of helping them fight the war.

I will yield the remainder of my time, and I will object to the managers' package, and we will have a series of votes. I yield the floor.

Mr. STEVENS. Mr. President, I have great respect for the Senator from Arizona. He provides really a service to the Senate to make us think about these issues. I have thought about all of these. In fact, a dozen Senators on either side are already carrying a grudge because they didn't get their amendment through the process to even get to the Senator from Arizona because they were rejected by someone in the committee of jurisdiction.

Let me say to the Senator, for instance, the \$10 million for the South Pole is not an add-on. We took that money off an account and put it in there because they had a disastrous winter. This is the last supplemental for this year, as far as we know. Only another tragedy and the war could bring us to another supplemental. We are going into regular bills after this bill. We will have nights such as this on some of them, probably.

The money for the Department of Energy was identified by several Members, and that is security at nuclear facilities. It was debated on the floor. It was raised here and debated. I asked them to put it into the package because it was my opinion that it was, frankly, raising the bill a little too much, and I didn't want it to look as if I was accepting those amendments. There are a few others that we accepted that go in the bill. As you say, there are times that it is possible to reduce amendments voted on the floor in conference; but when the Senate votes overwhelmingly for an amendment on the floor, it is difficult to deal with in the House—if the House doesn't want to put the full amount up and to reduce it, or negotiate it.

We have several amendments. Senator KOHL's amendment, for instance. He has been courteous in allowing us to put that amendment—it will pass, by the way; I know it will pass. I will tell the Senate that there is not an amendment in this managers' package that I believe would pass the Senate if raised individually.

Why do we have a managers' package? Because we have cleared each

amendment with the committee of jurisdiction, cleared by the majority and minority on the subcommittee involved in our Appropriations Committee, and cleared by Senator BYRD and myself, and we have cleared them or offered them to Senator MCCAIN and to Senator REID, or whoever wants to look at the package can look at it. It is a package of convenience.

By putting these amendments together on items we think would pass anyway, we might be able to go home at a decent hour tonight. I might be able to keep my commitment to the Senator from Hawaii to be in Hawaii with him when he gets his great honor on Saturday. That may not be possible because I have a job and I will stay until we do it.

It is also a problem that a couple of the Senators have already departed, and they are relying on us to put these in the package because they had other problems with family, and they are not here now. I can think of three of them who are gone who have amendments in here. We passed judgment on a collective basis. It hasn't just been myself, or myself and my colleague, or our staffs. Everybody in the system is involved in clearing a bill, including the Senator from Arizona who knows I cleared several with him as chairman of the Commerce Committee.

All I say is, I am prepared to proceed in any way that the Senate wishes to proceed with the amendments. There are 25 amendments in this package. They call it the first package. Several are being cleared that will go in this. There is a group of, I think, six that is still out there being cleared. Of these, Senator MCCAIN has agreed with 11 out of the 25. He agrees to modify four others that were not in my accounting. So we can proceed with those on a consent basis and see if the Senator wants to call up the amendments. We are going to be here for a long time if we do that, but in fairness I don't have the ability to withdraw these and say the Senators cannot offer them. They allowed us to use them in the package mechanism so we could save time for the Senate. It is obviously not going to do that. I am prepared, however, as soon as I get the balance of this, to offer them all and let the Senator object and then we will move them one at a time.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. I yield to my friend.

Mr. BYRD. Why don't we just finish this Tuesday?

Mr. STEVENS. If we finish this Tuesday, the bill cannot be finished by next weekend because we have to have time for both Houses to prepare a chart on a bill such as this, to see what our differences are, so we can go into conference and deal with the differences. If we pass this bill Tuesday, the House will pass it Tuesday or Wednesday, and we will not be able to get it finished by a week from Friday.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. Yes, sir.

Mr. BYRD. In the request that will be propounded with respect to the appointment of conferees, how many conferees on the part of the Senate is the chairman expecting?

Mr. STEVENS. In the conference on the supplemental, following the procedures the Senator from West Virginia and I have used in the past, we will have the full committee.

Mr. BYRD. Will the Senator yield further?

Mr. STEVENS. Yes.

Mr. BYRD. Other Senators may do as they wish. This Senator is going to go home. That is my right to do. I don't have any quarrel with others who want to stay. I have cast over 16,600 votes in the Senate. I think I have been pretty loyal to my duties to my constituents. But I need to be home. I have been married almost 66 years. I have been in the Senate a little over 44 years. I have been married longer. So I think my duty is to my wife. There are only two duties that will exceed my duties in the Senate. One is my duty to my God and the second is to my family.

So I ask unanimous consent, in accordance with paragraph 2 of rule VI of the Standing Rules of the Senate, that I be granted leave to go home now and not vote any further today. I will be granted a leave of absence for the rest of the day so that I can go home and be with my wife. Others who wish to stay here may do so. I have spent my time over the years here. If others want to stay, that is fine. I don't think it is absolutely necessary to finish this tonight. I think we can wait until Tuesday. But as far as I am concerned, I thank all Senators for their staying around and completing action on this bill, but count me out. I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, my great friend from West Virginia today told me of the difficult problems he has and wanted to leave by 5:30. I thought we might make that. Again I find myself apologizing to my friend twice in 2 days.

Mr. BYRD. The Senator does not owe me an apology.

Mr. STEVENS. I thought we would finish the bill in time for the Senator to be with his wife.

Mr. BYRD. The Senator has always been courteous to me. I have no quarrel with him or any other Senator.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I do not want to prolong the debate. The Senator from Alaska just mentioned there are six amendments still being cleared. This cannot be the way to spend the taxpayers' dollars—to pack 25, or how ever many amendments there are, into a managers' amendment accumulating billions of dollars.

The Senator from Alaska said "the appropriate people were notified and these amendments were discussed with them." I do not like to indulge in a show of hands, but I guarantee you, Mr. President, most of the Members of this body were not consulted on most of these amendments that are in the managers' package because I have been here most of the day and I have never heard them discussed or debated. The only reason I am seeing them now for the first time, as I say, 40 minutes before we would have had final passage on the bill is because we demanded to see them.

Again, I am not a member of the Appropriations Committee. I believe there are 20 some members of the hundred of us who are members of the Appropriations Committee. For us to simply say, I will accept a \$600 million amendment; don't worry, we will work it out in conference—I am supposed to go back to my constituents and say: I spent \$600 million of your money, but do not worry, we left it up to another Senator to work it out in conference.

We cannot govern this way. We cannot. We cannot have this kind of procedure. I apologize to my colleagues for this, but I am not the one who ran this procedure. I warned the Senator from Alaska time after time that the managers' package was the most egregious of everything that is done in the appropriations process. I will never forget a couple years ago when I asked the manager of the bill: What is in the managers' package, as everybody was standing in line to vote. He said: I don't know.

I let it go because I did not want to anger my colleagues and upset the schedules of my colleagues. Do you know what we found? We found about \$50 million in absolutely unnecessary and unrelated projects added in a "managers' amendment." We cannot do that. We cannot do business this way.

I agree with the Senator from Alaska that he will win on every one of these votes because we just saw earlier today that if we are not going to reject \$93 million for an agriculture research center and \$50 million for maritime administration guaranteed loans, which is a totally failed program—and I have forgotten some of the others—we certainly are not going to turn down amendments that have as much as \$600 million.

Here is another one. An amendment described as town meetings. Interesting, town meetings. It removes a 250,000-person threshold for Senate funding of town meetings. What is that all about? It may be, as the Senator alleges—I did not know they had more severe winters than others at the South Pole, but there may be a very legitimate reason to lift the cap on a 250,000-person threshold for Senate funding of town meetings. We do not know. We do not know, I say to the Senator from Alaska.

Mr. STEVENS. Will the Senator yield?

Mr. MCCAIN. No. I would like to finish first.

I yield to the Senator from Alaska. I yield.

Mr. STEVENS. No, I will wait.

Mr. MCCAIN. All I am saying is we do not know. There may be good reasons or there may be bad reasons. There may be good reasons, when we are trying to fight the war on terrorism and the war on Iraq, to lift the 250,000-person threshold for funding for town meetings. There may not be also. We do not know.

Mr. President, I would like to make two points. One, I propose a vote on the Kohl amendment, which is amendment No. 455, which gives an additional \$600 million for agriculture. At the conclusion of that vote, then I will be ready to go to final passage, but I want to tell my colleagues for the last time, I will not—I will not—we cannot govern this way. It is not right. We are not carrying out our duties to the people who send their hard-earned tax dollars to us to handle with care and deliberation.

So if it is agreeable with the Senator from Alaska, we will have a vote, which he will win, adding \$600 million, which was in the managers' package and never debated or discussed that I know of, and I bet most of my colleagues never knew of, and we will probably adopt it, giving an additional \$600 million to help I guess feed the troops in Iraq, and then we will go to final passage.

But I tell my colleagues who are here on the floor, I will not do this managers' package routine ever again. If the Senator from Alaska feels he will not carry something in conference because it is a losing vote, then that is how it should be, but at least every Senator will be on record and their constituents will know how they stood on town meetings and the South Pole and all of these others—Louisville/Jefferson County Public Safety Communications System, et cetera. If it is agreeable with the Senator from Alaska, I will agree to a unanimous consent request to do that.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am grateful to the Senator from Arizona for that suggestion. I point out to him before we proceed—and we will proceed; I will ask Senator KOHL to be prepared to offer his amendment, and following that we will offer the managers' amendment—but just this afternoon, I was notified that travel and transportation for members of the armed services was not authorized in some circumstances. One of these amendments authorizes transportation of families of the people who have been injured to Germany, or wherever they are, so they can see their loved ones. They did not have that authority. An amendment in this bill will do that.

They also do not have the money and authorization to buy, for a young person injured and coming back not on a

gurney, but needs civilian clothes, something different to wear other than a military uniform because of the injury—we have a provision in here for the purchase of civilian attire for medical evacuation of members of the Armed Forces. Those came to me at 6 o'clock. I think they are relevant to this bill, one of the six the Senator has not seen yet. There are a lot that came up.

I suggest we proceed. The managers' package concept replaces the old litany of amendments that were offered and offered and offered. I remember one time we were here 40 hours. That is what you get into when you do not have a managers' package.

Is Senator KOHL here?

Mr. DASCHLE. We can offer it on his behalf.

Mr. STEVENS. Will the Chair lay before the Senate Senator KOHL's amendment?

AMENDMENT NO. 455

Mr. STEVENS. Mr. President, I call up amendment No. 455.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KOHL, for himself, Mr. LEAHY, Mr. BYRD, Mr. BIDEN, Mrs. MURRAY, Mr. HARKIN, and Mr. NELSON of Florida, proposes an amendment numbered 455.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide humanitarian food assistance in connection with U.S. activities in Iraq)

On page 2, after line 7, insert the following:

"PUBLIC LAW 480 TITLE II GRANTS (INCLUDING TRANSFER OF FUNDS)

"For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior year's costs, including interest thereon, under the Agricultural Trade Development Act of 1954, \$600,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act: *Provided*, That of this amount, \$155,000,000 shall be used to restore funding for previously approved fiscal year 2003 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: *Provided further*, That of the funds provided under this heading, the Secretary of Agriculture shall transfer to the Commodity Credit Corporation such sums as are necessary to acquire, and shall acquire, a quantity of commodities for use in administering the Bill Emerson Humanitarian Trust in an amount equal to the quantity allocated by the Corporation pursuant to the release of March 19, 2003, and the release of March 20, 2003: *Provided further*, That the authority contained in 7 U.S.C. 1736f-1(c)(4) shall not apply during fiscal year 2003 for any release of commodities after the date of enactment of this Act."

Mr. STEVENS. Mr. President, I ask unanimous consent that following the consideration of Senator KOHL's amendment, the amendments that I

shall offer en bloc be considered en bloc, and adopted en bloc as a managers' package.

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

Mr. STEVENS. I withdraw the request.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Would the Senator renew his request?

Mr. STEVENS. I intend to renew the request. This is a unanimous consent that the amendments we have here in the managers' package be considered en bloc following the vote on or in relation to the amendment offered by Senator KOHL.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 455

Mr. KOHL. Mr. President, I am pleased to join with Senator ROBERTS in offering this amendment.

I offer an amendment to provide \$600 million for our international food aid programs. The amendment is cosponsored by Senators BYRD, DASCHLE, LEAHY, HARKIN, BIDEN, MURRAY, NELSON of Florida, DORGAN, LINCOLN, DURBIN, DEWINE, BAUCUS, ROBERTS, and DAYTON.

Our amendment is necessary because of the intense pressure the food needs in Iraq have placed on our world food programs. Already, the Department of Defense has used \$269 million from our largest international food aid program—PL-480—to feed the Iraqi people. That is \$269 million from the \$1.4 billion that was appropriated last year for other world hunger needs in places like Sub-Saharan Africa and Afghanistan. As the war progresses and the reconstruction begins, the draw on our existing food aid accounts will continue.

Specifically, our amendment replenishes the \$269 million already taken from PL-480 for Iraq. It also adds \$100 million to an emergency grain reserve—the Emerson Trust—which has recently released approximately 800,000 tons of wheat to Iraq. A final \$231 million is made available for future Iraqi draws on PL-480 as that country waits for the resumption of the UN "Oil for Food" Program.

This amendment is responsible budgeting. We are asking only for the minimum dollars we need to meet an anticipated food crisis in Iraq—a crisis that is the direct result of the war. Our actions will allow us to meet this crisis efficiently without crippling our other food aid efforts.

I do not for a moment dispute the Administration's decision to tap into

PL-480 funds to meet immediate needs in Iraq. I do dispute the position that we should not replenish those funds—thus effectively defaulting on our obligations to starving people in other countries.

There is no doubt that the war has disrupted food delivery to innocent Iraqis. And everyone agrees that, as we move to liberate the Iraqi people, we have an absolute obligation to deliver humanitarian relief.

Before the war, a full 60 percent of the Iraqi population was fed through the UN-run "Oil for Food Program"—a program that turned Iraqi oil revenues into food supplies. It provided over \$3 billion worth of food a year distributed at more than 40,000 food distribution sites throughout the country. On March 17, UN Secretary General Kofi Annan suspended the Oil for Food Program. Now, over 2 weeks later, the citizens of Iraq are nearing the end of their food stocks.

We are not just guessing that a food crisis is imminent in Iraq. The UN has stated unequivocally that there is a continuing and immediate need to feed the Iraqi people as they attempt to reestablish the Oil for Food Program. Last Friday, the United Nations petitioned the world community for \$1.3 billion to meet that need. Just Saturday, the World Food Program announced that the operation in Iraq could "evolve into the largest humanitarian operation in history." The supplemental before us earmarks no funds for that effort.

The administration has decided—I believe correctly—to use our existing food aid programs to deliver this aid to Iraq. Our amendment simply asks that we replace the funds we are removing now—and will continue to remove—from that program—funds that were budgeted for starving people in Africa, Afghanistan, Indonesia, and North Korea.

Our amendment is endorsed by a coalition of international relief agencies called the "Coalition for Food Aid." Their members include the American Red Cross, CARE, Catholic Relief Services, and Save the Children. The amendment is also supported by the American Farm Bureau, the National Association of Wheat Growers, the U.S. Rice Producers Association, the USA Rice Federation, and the Wheat Export Trade Education Committee. I ask unanimous consent to have printed in the RECORD these letters of endorsement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 3, 2003.

Hon. HERBERT KOHL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KOHL: The undersigned organizations appreciate your dedication to restore funding for food aid and we support your amendment to the FY03 Supplemental Appropriations bill.

Your amendment comes at a critical time as the United States prepares to provide necessary food aid for the people of Iraq. Providing additional funding and replenishing

funding for current food aid programs will place these programs in a better position to meet this year's food aid needs. The amendment also provides the flexibility to purchase the mix of commodities that are needed without disrupting our own domestic market.

American agriculture is prepared and dedicated to providing U.S. commodities for those in need to help alleviate hunger. We thank you for your leadership and urge adoption of your amendment.

Sincerely,

American Farm Bureau Federation, National Association of Wheat Growers, US Rice Producers Association, USA Rice Federation, and Wheat Export Trade Education Committee.

—
AGRICULTURE, MARITIME AND CHARITABLE ORGANIZATIONS, SUPPORTING ADDITIONAL FOOD AID FUNDING,

April 2, 2003.

Hon. HERB KOHL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KOHL: We appreciate and support your amendment to the FY 2003 Supplemental Appropriations Bill to restore funding for food aid programs and to provide adequate additional funds for emergency needs. By appropriating \$600 million for PL 480 Title II, including funds to partially replenish the Bill Emerson Humanitarian Trust, this amendment will allow the US to meet commitments to many needy countries this year and to be prepared to provide adequate humanitarian food assistance in the wake of conflict in Iraq.

Because of the gap between the amount of funds available for food aid and actual food needs, the Administration has been forced to limit funding for African emergencies and to reduce ongoing food assistance in many vulnerable countries, including Angola, Bangladesh, Uganda, Malawi, Haiti, Mozambique, Ghana, Kenya, Bolivia, Guatemala, Peru and parts of Ethiopia. The amendment assures the restoration of funds for previously-approved food aid programs in FY 2003. It is critical that these funds be provided as soon as possible to replenish these programs, since it takes a few months to buy commodities and to deliver them abroad.

The amendment also provides funds to restore the Bill Emerson Humanitarian Trust to 2 million metric tons, one half of the authorized level. This will replenish the value of commodities that are allocated in FY 2003 for food assistance related to the conflict in Iraq. For the rest of fiscal year 2003, it would remove the authority for the Secretary of Agriculture to sell Emerson Trust commodities on the domestic market. Because additional funds are made available by this amendment for Title II and to replenish the Emerson Trust, needed commodities can be purchased directly from the market and sales of commodities held by the Trust is unnecessary.

With America's abundant agricultural resources and long-standing tradition of helping the poor, providing funding so the United States may meet its commitments to help alleviate hunger is both appropriate and necessary. We therefore thank you for your leadership and urge the acceptance of your amendment by the United States Senate.

Sincerely,

ACDI/VOCA, Africare, American Red Cross, Cal Western Packaging Corp., Adventist Development & Relief Agency International, American Maritime Congress, American Soybean Association, CARE, Catholic Relief Services, Counterpart International, Food for the Hungry International, International Food Additives Council, International Ortho-

dox Christian Charities, Jesuit Refugee Service/USA, Maersk Sealand, and Maritime Institute for Research and Industrial Development.

National Association of Wheat Growers, National Dry Bean Council, National Milk Producers Federation, OIC International, SUSTAIN, Transportation Institute, U.S. Rice Producers Association, USA Dry Pea & Lentil Council, Wheat Export Trade Education Committee, World Vision, Colorado Potato Growers Association, Didion Milling, Inc., Global Food & Nutrition Inc., International Organization of Masters, Mates & Pilots, International Relief & Development, Land O'Lakes, Marine Engineers Beneficial Association, Mercy Corps, National Corn Growers Association, National Farmers Union, North American Millers' Association, Save the Children, TECO Ocean Shipping Company, U.S. Dairy Export Council, U.S. Wheat Associates; USA Rice Federation; and Wilson Logistics, Inc.

Mr. KOHL. In the last month, we have heard many voices expressing many views of what it means to be American and at war. Among those disparate voices, there are strong, common themes: our pride in our brave troops; our burning hatred for tyranny and injustice; our undying compassion for the poor and hungry of the world.

Our amendment speaks to the last of these. It states simply that, even in times of war, America will remain a compassionate leader in the world community and a passionate combatant of hunger and hopelessness throughout the world.

To reiterate, I offer this amendment because through the Department of Defense and other agencies, \$269 million from our largest international food program, Public Law 480, and the Bill Emerson Humanitarian Trust, have already been obligated to meet the urgent necessity to feed the Iraqi people. That \$269 million is derived from funds appropriated or made available last year for other world hunger needs in countries such as Saudi Arabia, Afghanistan, Korea, and North Korea. We need to replenish that money which has been used to feed the people in Iraq.

I also thought we needed to provide more than an additional \$200 million for the requirements that I anticipate we will be very shortly facing in Iraq with respect to feeding their people. The Bill Emerson Humanitarian Trust is an emergency grain reserve which recently released approximately 800,000 tons of wheat for assistance to Iraq at a cost of \$100 million. The replenishment of the Bill Emerson Humanitarian Trust, restoration of Public Law 480 funds that have been diverted from areas such as Sub-Saharan Africa, and providing resources for anticipated needs in Iraq total the \$600 million I have included in this amendment.

I urge my colleagues to support the amendment.

Mr. NELSON of Florida. Mr. President, as U.S. and allied forces steadfastly close on Baghdad, they come closer to liberating the people of Iraq, and closer to ridding the world of a menace to global peace. Our troops are performing magnificently. The young

men and women of our armed forces have served bravely and honorably, and have made me proud.

When the bombing stops and the war is over, the world will be a safer place. But make no mistake, the American commitment in Iraq must endure for a long haul. It is incumbent upon the United States to ensure Iraq's transition to a freedom. One element critical to post-conflict reconstruction has already begun, and must continue throughout the fighting. That element is the supply of food and humanitarian relief to the people of Iraq.

The supplemental does provide some funds for humanitarian relief, but it is not enough. The Senator from Wisconsin has offered an amendment to this legislation which would provide \$600 million in funding in emergency food relief for P.L. 480, Title Two and the Emerson Humanitarian Trust. This \$600 million the amendment provides is based on close consultation with organizations who know the situation well from their humanitarian work. The Kohl amendment is vitally important to ongoing operations in Iraq. It: restores funds diverted from other emergency food assistance provided in P.L. 480 activities—including those in Africa—that have been redirected for assistance to Iraq; restores 800,000 metric tons of Emerson Trust, another humanitarian food relief program, because of previous releases this year; and allows for at least one third of food aid needs for Iraq, as identified by the World Food Program. Historically, the U.S. provides one half of emergency food aid needs.

At the time hostilities commenced in Iraq, the U.N. Oil for Food Program provided food to over 60 percent of the Iraqi people via over 40,000 feeding stations. These feeding stations were run by the regime of Saddam Hussein. Hopefully, U.S. and coalition forces can restore the program quickly. But hope alone will not feed Iraqi families left starving by a disruption in this program. The world Food Program has just announced an overall appeal of \$1.3 billion for food aid for Iraq for the next 6 months.

We must make adequate preparations right now to provide the food assistance required of us. The Kohl amendment delivers on this moral imperative by providing funds needed for the remainder of this fiscal year in the event significant Oil for Food Program revenues are not available, or is otherwise unable to function.

In another part of the globe desperately needing food assistance, the droughts in sub-Saharan Africa have caused a massive food shortage over the last several months. The toll of this famine threatens millions of Africans and could be far worse than anything we have seen previously. The terrible epidemic of HIV/AIDS, which is currently ravaging the continent, destroys the immune systems of its victims. When further weakened by malnutrition, they are unable to fight off

even the most mild illnesses thereby exacerbating the impact of the food shortage. In addition, we know there is still about \$250-\$350 million shortfall in food assistance to Africa for this fiscal year, which the Congress was unable to provide during consideration of the omnibus appropriations legislation for 2003. It is vitally important that food assistance to this region not be short-changed, forcing us to choose which mouths to feed, on which continents.

Similarly, there have been droughts in regions of Haiti. The United States currently provides food assistance to Haiti from P.L. 480, Title Two, to the tune of about \$22 million, or about 40 percent of our bilateral assistance. This assistance is so important because it is one of the few ways in which we can help the Haitian people, without providing assistance to a corrupt government. We do not provide Haiti with other forms of assistance commonly provided to other countries, like economic support funds or development assistance. This is due to the political stalemate, almost 3 years old, and the inability of President Aristide to take any meaningful and demonstrable steps to resolve the crisis and improve conditions. Therefore, the integrity of the food assistance to Haiti must be protected and preserved in its entirety. The Kohl Amendment does so.

This provision also provides initial resources that will be needed to win the peace in Iraq. It does not specifically designate the funds for Iraq, to be consistent with the way we have traditionally appropriated food assistance governed by P.L. 480 Title II funds, but I trust that these funds will be used for the purpose for which they are intended—feeding the Iraqi people without raiding important food assistance accounts for other regions, such as sub-Saharan Africa, and Haiti.

We must act now. I urge support of the Kohl Amendment.

Mr. MCCAIN. Mr. President, the Senator from Wisconsin mentioned Saudi Arabia; I did not know the people of Saudi Arabia were in need.

But, again, it is unrequested by the administration. I am sure it is worthwhile. There is not an amendment that has come before us that is not worthwhile, but it was not felt urgent at this time by the administration.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. Mr. President, I don't know of anyone on our side who asked for time on the amendment. I believe the Senator has explained it. I ask unanimous consent that when we start consideration of this vote, there be no further amendments in order, and that immediately following the vote on the managers' package, we go to third reading of this bill, and we have a procedure arranged so that we would hold this bill at the desk until the House bill arrived and it would automatically be married to the House bill and sent to conference as soon as possible.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object, I will be very brief. I am very reluctant to do this because the chairman has been very gracious to me.

Senator COLLINS and I had worked throughout the day on a bipartisan amendment. We would like a few minutes. It has been heard by the committees of jurisdiction, and we would like a few minutes to work with the chairman because if we are going to spend billions, we certainly ought to make sure there is a repetitiveness in the contracting. The Senator from Maine, the Chair of the Governmental Affairs Committee, has done exceptional work in this area. If we could work with the chairman, I think in a few minutes we could work this out.

I am very reluctant to make this reservation.

Mr. STEVENS. Mr. President, the Senator's amendment would change the procedure for every Department or Agency in the Federal Government in terms of the concept of what must be published in the Federal Register. It also has an exception for withholding publication of any document that is classified.

But in the period of time we are in right now, I don't have time to research this in terms of what does this do to the Department of Defense, what does it do to the CIA, what does it do to the FBI, what does it do to every other organization of the country. I have tried to clear this. There is a great deal of what has been eliminated, but I, too, am a member of this Governmental Affairs Committee, and I could not ever remember taking it up in the Governmental Affairs Committee. I understand what it is, but I don't understand its impact on the agencies I am supposed to protect in terms of the Department of Defense.

I cannot in good faith accept that.

I renew my request that following the vote on the managers' package, no further votes be in order and we proceed immediately to third reading under the proceedings as outlined, which will be outlined in fuller detail at that time, but it will mean that will be the last vote of the day and we will not vote past taking the bill to third reading.

The Kohl amendment comes first.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, the first amendment offered by the Senator from Alaska when we started yesterday, that is going to be withdrawn; is my understanding correct?

Mr. STEVENS. We will have a dialog here about the debt ceiling amendment, and I have given my word to the Senator from West Virginia that we would withdraw the amendment. I want to have that dialog. That can take place after the vote. I assured everyone that will be handled in a proper way. I have been asked to make a

record of why we did not proceed with the debt ceiling amendment, and I would like to do it at that time.

I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. The parliamentary situation is: We will vote on the Kohl amendment, we will vote then on the managers' package, and then the bill will go to third reading under the outline we provided at that time, and there be no further votes or amendments in order to this bill.

The PRESIDING OFFICER. There are four amendments pending which must be disposed of prior to third reading.

AMENDMENTS NOS. 440, 500, AND 504, WITHDRAWN

Mr. STEVENS. I would say there are amendments at the desk that have been modified or agreed to and put into the managers' package. So I ask that those be withdrawn. I believe all the Members involved know what has been done on those amendments. I ask that they be withdrawn and—there are four of them.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I will withdraw the other amendment when we have the dialog after the vote.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered. The three amendments are withdrawn.

Mr. STEVENS. I ask for the yeas and nays on the Kohl amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 455. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Kentucky (Mr. MCCONNELL) are necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY), would vote "Aye."

The result was announced—yeas 67, nays 26, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—67

Akaka	Carper	Dole
Baucus	Clinton	Dorgan
Bayh	Cochran	Durbin
Bennett	Coleman	Edwards
Biden	Collins	Feingold
Bingaman	Conrad	Feinstein
Boxer	Cornyn	Fitzgerald
Breaux	Corzine	Graham (FL)
Brownback	Daschle	Grassley
Burns	Dayton	Hagel
Campbell	DeWine	Harkin
Cantwell	Dodd	Hatch

Hollings	Lugar	Rockefeller
Hutchison	Mikulski	Sarbanes
Jeffords	Miller	Schumer
Johnson	Murkowski	Snowe
Kennedy	Murray	Specter
Kohl	Nelson (FL)	Stabenow
Landrieu	Nelson (NE)	Talent
Lautenberg	Pryor	Warner
Leahy	Reed	Wyden
Levin	Reid	
Lincoln	Roberts	

NAYS—26

Alexander	Enzi	Santorum
Allard	Frist	Sessions
Allen	Graham (SC)	Shelby
Bond	Gregg	Smith
Chafee	Inhofe	Stevens
Chambliss	Kyl	Sununu
Craig	Lott	Thomas
Crapo	McCain	Voinovich
Ensign	Nickles	

NOT VOTING—7

Bunning	Inouye	McConnell
Byrd	Kerry	
Domenici	Lieberman	

The amendment (No. 455) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. Senator, let me thank all Members for their patience and consideration in expediting the bill. It is imperative that we complete this bill, get it to conference, and then get the bill on the President's desk. This next vote will be the last vote of the week. The Senate will not be in session on Friday. We will resume business on Monday with a vote occurring at 5 p.m. on a judicial nomination.

Next week we hope to take up and complete the CARE Act, the FISA bill, POW resolution, other nominations, as well as conference reports that become available.

I thank everyone for their attention and appreciate the hard work over the course of the day.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that Senators JEFFORDS and KENNEDY be added as cosponsors of amendment No. 459.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 522

Mr. STEVENS. Mr. President, I have an amendment at the desk, a series of amendments. I ask that these amendments be considered en bloc and they be adopted en bloc by one rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I withdraw that. Is it possible we might have a voice vote? I will be happy to have a voice vote.

I renew the request that the managers' package at the desk be considered en bloc and adopted en bloc. Does the Senator want a rollcall vote? Without a rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I call the attention of the clerk to the fact that there are several original amendments in that package, and they will be properly handled.

Mr. MCCAIN. May I ask what that means?

Mr. STEVENS. It just means they were not numbered. We took out some amendments and put a new one in its place, but we did not make it a substitute for the amendment that is in place.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 522.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. EDWARDS. Mr. President, I rise today to speak about an amendment I have offered to provide funding for the All Hazards Emergency Warning Network. If we are truly going to improve homeland defense, we must prepare Americans to respond in time of attack. And the first step towards that goal is updating our emergency warning system. We must ensure that warnings reach all Americans at risk as quickly as possible.

In the event of a terrorist attack or natural disaster, Americans must know how to respond. Unfortunately, for everything that has happened since September 11, if an attack happened again, many of us still would not know what to do. Today, our emergency alert system depends heavily on television and radio, and doesn't reach millions of Americans who aren't near a TV and radio at a given moment. In addition, the system doesn't provide all the information we need. Right now, the All Hazards Warning Network cannot effectively broadcast information about all types of emergencies, particularly terrorist attacks. That must change. We need to ensure that NOAA has the funds it needs to begin incorporating new warnings and new technologies within the national weather radio immediately.

I have proposed providing NOAA with \$10 million right now for incorporating additional technologies for disseminating terrorism warnings within the All Hazards Warning Network. There are a lot of ways that NOAA weather radio could be broadcast using existing technology. For example, cell phones could receive emergency warnings for users in a certain area even if those folks are just passing through. Pagers and beepers can achieve the same result. Televisions can be programmed to come on automatically and provide alerts in the event of a disaster. We need to encourage the development and implementation of these new technologies.

Additionally, and perhaps most importantly, NOAA needs to have full communication with emergency managers at the local level—the men and women who will be on the front lines of any emergency. The All Hazards Warn-

ing Network needs to allow emergency managers to transmit warnings about all types of disasters, including terrorism, to citizens in their area without the delays currently in place.

This is an idea I have been working on for some time. This first bill I introduced this session, together with Mr. HOLLINGS, would require the Department of Homeland Security and the Department of Commerce to make sure that comprehensive, easily understood emergency warnings get to every American at risk. Today's amendment will go a long way towards reaching that goal.

Mr. LEAHY. Mr. President, today I am proud to offer an amendment with Senator CRAIG and five other Senators that will repeal a rider that was inserted without a vote, without debate, and without discussion into the Omnibus Appropriations Conference Report.

After the Conference Committee met and behind closed doors, this special interest rider gutted the organic standards just recently enacted by U.S. Department of Agriculture. This special interest provision was inserted into the bill on behalf of a single producer who essentially wants to hijack the "organic" certification label for his own purposes, to get a market premium for his products, without actually being an organic product.

The antiorganic rider allows producers to label their meat and dairy products "organic" even though they do not meet the strict criteria set forth by USDA, including the requirement that the animals be fed organically grown feed. This approach was considered and outright rejected by USDA last June. The entire organic industry opposed this weakening of the organic standards.

If beef, poultry, pork and dairy producers are able to label their products as "organic" without using organic feed, which is one of the primary inputs, then what exactly is organic about the product?

Opposition to this rider has been broad, deep, and extremely bipartisan. I have spoken to Secretary Veneman, who has come out publicly in opposition to the antiorganic rider. In the last month, a total of 68 Senators have joined me by cosponsoring a bill to repeal this rider.

This antiorganic rider is particularly galling because so many producers have already made the commitment to organic production. For most, this is a huge financial commitment on their part.

Now the rider has created a legal limbo for farmers. No one knows what the legal requirements for organic animal products are anymore.

I have heard from large producers—General Mills, Tyson Foods—as well as scores of farmers from Vermont and around the country who are enraged by this special loophole included for one company that does not want to play by the rules.

Our amendment simply strikes this antiorganic rider from the Omnibus

Appropriations Act, restoring the strong organic standards created by USDA. We need to send a message to all producers that if you want to benefit from the organic standards economically, you must actually meet them.

When I included the Organic Foods Production Act in the 1990 farm bill, it was because farmers recognized the growing consumer demand for organically produced products, but needed a tool to help consumers know which products were truly organic and which were not.

The act directed USDA to set minimum national standards for products labeled "organic" so that consumers could make informed buying decisions. The national standard also reassured farmers selling organically produced products that they would not have to follow separate rules in each State, and that their products could be labeled "organic" overseas.

The new standards have been enthusiastically welcomed by consumers, because through organic labeling they now can know what they are choosing and paying for when they shop. The antiorganic rider, however, has undermined public confidence in organic labeling, which is less than a year old.

This was not the first attempt to weaken the organic standards. Getting the organic standards that are behind the "USDA Organic" label right was a long and difficult process, but critically important to the future of the industry. During the rule-making process, some tried to allow products treated with sewer sludge, irradiation, and antibiotics to be labeled "organic."

The public outcry against this was overwhelming. More than 325,000 people weighed in during the comment period, as did I. The groundswell of support for strong standards clearly showed that the public wants "organic" to really mean something. Those efforts to hijack the term were defeated and this one should be, too.

Consumers and producers rely on the standard. I hope more members will support my amendment and send a message to special interests that they cannot hijack the organic industry through a rider on the spending bill.

We need to fix this mistake and restore integrity to our organic standards.

I urge my colleagues to support this amendment.

Mrs. FEINSTEIN. Mr. President, the amendment I offer today would restore fiscal year 2003 funding for the State Criminal Alien Assistance Program, SCAAP, to the level of funding Congress provided in fiscal year 2002.

Specifically, my amendment would provide an additional \$315 million in supplemental funding to the SCAAP program, to bring the total fiscal year 2003 appropriations to the same amount that was appropriated in fiscal year 2002—\$565 million.

Most of my colleagues have had to deal with the question of illegal immi-

gration. Just the sheer number of illegal immigrants in our country—estimates range from 9 to 11 million—suggests that Federal strategies to curb illegal immigration have failed.

While only a relatively small percentage of the illegal immigrant population have committed crimes, nonetheless, even that small percentage represents a significant burden on State and local governments, which are forced to apprehend, prosecute, and incarcerate those who prey on our communities.

Today most States are encountering their largest deficits in more than 60 years. Indeed, the fiscal consequences of illegal immigration have contributed to this challenge. In fiscal year 2002, for instance, States and counties incurred more than \$13 billion in incarceration expenses. It is the responsibility of the Federal Government to help shoulder the burden that its failures have created. The Federal Government alleviated some of that burden by providing \$565 million to the States in fiscal year 2002.

Increasingly, States and local counties are relying on SCAAP funding to help supplement their homeland security activities.

Clearly, our local governments would spend the \$13 billion they have spent incarcerating criminal aliens on other fiscal priorities, such as homeland security.

The amendment I offer today would not only provide a more equitable level of funding to help reimburse States for the costs they incur for incarcerating undocumented criminal aliens, it would also help free up funds that State and local governments may need for their first responder activities.

Without adequate funding, this fiscal burden will continue to fall on many of our local law enforcement agencies—including sheriffs, police officers on the beat, antigang violence units, and district attorneys offices.

At a time when cash-strapped State and local governments are being asked to do even more to protect our homeland, we cannot afford to eliminate vital funding that already falls far short of what local governments spend to incarcerate undocumented criminal aliens.

SCAAP payments have never matched the true costs to the States dealing with this problem, but they have nevertheless been critical additions to prison and jail budgets. They have also symbolized the Federal Government's obligation to pay for the results of its failed immigration strategies.

Counties and sheriffs offices across the country, and not just those along the border, are very concerned because of the severe cuts in funding this year. I have received letters from county executives and sheriffs from Virginia, Wisconsin, New York, and other States who are facing critical cuts in their law enforcement budgets because of the anticipated shortfall in SCAAP fund-

ing. Those amounts will be cut drastically.

I ask unanimous consent that I may submit for the record, a chart comparing the amount of SCAAP money States received in fiscal year 2002 to the amount they will receive with the fiscal year 2003 SCAAP allocation of \$250 million.

Our Nation is facing one of the most challenging periods in our Nation's history. And, we want, to the best extent possible, our constituents to feel secure in their homes and in their communities.

At a time when the Nation is focused on enhancing security within our borders, our States, and our local communities, a vital program like SCAAP should not be vulnerable to being underfunded or eliminated altogether.

The control of illegal immigration is a Federal obligation and we owe it to our States and local communities to provide them with the critical Federal assistance they need to continue doing their job.

Therefore, I urge my colleagues to support this amendment.

Mr. KENNEDY. Mr. President, my amendment will increase funding by \$295 million to help meet the humanitarian and other needs that are already obvious in Iraq and that are likely to mushroom in the weeks and months ahead.

To achieve victory in Iraq, we must not only win the war, but win the peace as well. And we know that in order to do this, we will have to deal effectively from the start with all the serious problems we'll face in meeting humanitarian needs, establishing law and order, and beginning the reconstruction process there.

For the next six months, to cover the additional costs that are likely to arise in the current fiscal year, the administration has requested \$2.4 billion for humanitarian assistance and reconstruction. It's an essential down payment, and I commend the administration for including this provision.

Many of us on both of the aisle feel that we need to send a strong signal of our willingness to work with the UN in post-war Iraq, and put the recent harsh divisions that erupted in the Security Council behind us.

President Bush said that that if military force is required to disarm Iraq, the United States would "quickly seek new Security Council resolutions to encourage broad participation in the process of helping the Iraqi people to build a free Iraq." He also said that to achieve the goal of a unified Iraq with democratic institutions, we will be "working closely with the international community, including the United Nations and our coalition partners."

Lately, however, we read stories of a tug of war between the State Department and DoD over who will be in charge of the post-war effort and how. Secretary Powell has said that the UN has "a role to play in many different

ways" and that its involvement is needed to provide "international legitimacy" to the post-war efforts.

As our key ally, Prime Minister Tony Blair of Great Britain said yesterday the post-war effort "should not, in the end, be run by the Americans, should not be run by the British, should not be run by any outside force. Iraq should be run, for the first time in decades, by the Iraqi people."

These are strong statements of the importance of cooperation among our friends and allies in the major challenges facing the region and the world in the aftermath of this war.

They also make good sense. The UN will be essential in assessing, coordinating and delivering humanitarian aid, and in defusing any rage in the region over a so-called U.S. occupation.

With the resumption of the UN's Oil for Food program last week, resources will start to become available to meet the food needs of the Iraqi people. However, we still have to meet other needs, such as sanitation, health, shelter, the removal of landmines, and local emergency repairs to help civilians resume their daily lives as soon as possible. My amendment provides an additional \$225 million to meet these priorities and to prevent illness, disease, and death among the survivors of the war.

It also provides an additional \$45 million for law enforcement. The rule of law—the sense of public security and safety—is something that we often take for granted. As we learned in Kosovo, and again in Afghanistan, law and order are the indispensable cornerstones for building a functioning society. Without it, everything else takes longer, and costs more. Experts may doubt that Iraq will erupt into major civil conflicts, but most of them do expect local violence, revenge killing, and power struggles if there is no clear transitional force and stable government.

The bill before us contains funds for a civilian police force, but a full judicial team has not been included. This was a significant problem in Kosovo, and it can be avoided in Iraq by paying adequate attention to revising laws so that the effort to bring criminals to justice is not undermined. The immediate presence of a judicial team will assist in expediting this process and begin to establish adequate rules on arrests, detention, trials, and other aspects of a new legal system.

Fair treatment of the people of Iraq in the immediate weeks and months after the war will obviously help to smooth the way to peace and encourage other nations to join in meeting this responsibility.

The final provision of this amendment addresses a separate ongoing need. The Emergency Refugee and Migration Assistance Fund is our global fund for unforeseen refugee and migration emergencies. This program has been funded at \$50 million, but its needs continue to outpace the available resources. The United Nations ref-

ugee agency recently appealed to us for \$29 million to assist the refugee emergency in the Ivory Coast and another \$29 million to finance the repatriation of Angolans.

The underlying bill provides an additional \$75 million, but in the next six months, new demands for these emergency funds are likely for Afghanistan, Sudan, and the Congo. It makes sense to provide the funds now that we already know we will need for this account. With emergency relief, it is not a question of if but when. The amendment will add \$25 million to be sure that we have sufficient monies to respond to emergencies on the horizon. As we focus on the humanitarian needs in Iraq, we cannot ignore the refugee crises in Africa and other regions of the world.

We know that the whole world is watching what we do. Reports of massive anger in the Middle East and in other countries should be very troubling to us all. We need to get the Iraq reconstruction effort right the first time. Its importance cannot be underestimated, and we can't afford to leave it underfunded.

These additional funds are a start, a downpayment on the longer effort. This bill may well not be enough even for the very short term of the next six months. Far more will be needed to meet our responsibilities, and to win the peace. We ought to be planning and preparing to meet these responsibilities now.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. STEVENS. I thank all Members for their patience and courtesy. And as the leader said, this is the last vote. We will handle the problem of moving this matter to third reading after this vote. There will be no further votes tonight. Have we adopted the managers' amendment?

The PRESIDING OFFICER. The question is on agreeing to amendment No. 522.

The amendment (No. 522) was agreed to.

AMENDMENT NO. 435, WITHDRAWN

Mr. STEVENS. Mr. President, according to the Treasury Department, the statutory limit on the national debt needs to be raised. The amendment I offered yesterday would have increased the debt limit so as to avoid the risk of a default. I understand the concerns that have been raised about this amendment by the other side, and I am willing to withdraw the amendment if the majority can be assured that the Senate will pass a freestanding bill to increase the debt limit with the cooperation of the minority and without unnecessary delay, and there will be no necessity to file cloture to bring this bill to a vote. I know the distinguished Democratic whip has discussed this with the Democratic leader and others, and I would ask if he

is able to give those assurances at this time.

Mr. REID. I would say to the distinguished chairman of the Appropriations Committee that he is correct: I have discussed this matter with the Democratic leader and others, and we fully understand the importance of ensuring that the borrowing authority of the Treasury is not impeded, and we appreciate the interest of the Senator from Alaska making certain that the full faith and credit of the United States is never called into question. While we on this side cannot commit to supporting a bill we have not seen, we do assure the Senator from Alaska that when a freestanding bill to increase the debt limit in the usual form is brought to the floor, we will work with him to see to it that the bill is passed in a timely and orderly way, without any unnecessary delay. The Senator has our commitment on that.

Mr. STEVENS. I appreciate the cooperation of the Democratic whip, and given his assurances, I withdraw my amendment dealing with the debt ceiling.

The PRESIDING OFFICER. Without objection, amendment No. 435 is withdrawn.

ATAP

Mr. DOMENICI. Mr. President, I rise to address Senator McCONNELL, the chairman of the Foreign Operations Appropriations Subcommittee, about the Antiterrorism Training Assistance Program, or ATAP.

I note that the supplemental appropriations bill includes \$52 million for the State Department to establish the Center for Antiterrorism and Security Training (CAST) in Maryland. These funds were deferred from the Consolidated appropriations Resolution for Fiscal Year 2003 with the understanding that they would be included in an appropriate vehicle, which is this bill. CAST will be a central training academy for the State Department.

It will be a while before the new center is operational, which makes it difficult for me to understand the actions of the State Department to eliminate and scale back existing antiterrorism training programs that have been successfully carried out by Louisiana State University (LSU) and the New Mexico Institute of Mining and Technology (New Mexico Tech) for the past several years. In fact, LSU has been carrying out this training for the State Department for over a decade. New Mexico Tech has partnered with LSU since January 2000.

The State Department has relocated the Hostage Negotiations Program from New Mexico Tech to LSU, and it has advised New Mexico Tech that it will relocate the Rural Border Operations Course to a facility on a military base in Albuquerque.

Ms. LANDRIEU. Mr. President, I join my colleague from New Mexico in questioning the State Department's actions on the ATAP training programs. Both

universities and the surrounding communities have made substantial investments in facilities, curriculum, and even diplomacy in welcoming foreign law enforcement officers to their communities and providing them with training courses to help them combat terrorist and other criminal activity. Yet it appears the State Department will pull all ATAP training out of New Mexico Tech by this June. I can only guess that the State Department has similar intentions for LSU in my State.

Mr. DOMENICI. Mr. Chairman, this makes no sense to me as this Nation continues to fight the war on terrorism and is now engaged in a war against Iraq. The antiterrorism training programs are more critical than ever, and they should continue to be carried out at LSU and New Mexico Tech, which have run successful programs for the Department of State for years.

Mr. Chairman, would you agree with me that it is premature to withdraw current antiterrorism training assistance courses out of LSU and New Mexico Tech during these troubled times?

Mr. MCCONNELL. I would agree with the Senator from New Mexico that this seems to be an unusual time for the State Department to take such actions. The Foreign Operations Subcommittee has provided significant increases for the ATAP Program through the regular appropriations bill and the supplemental appropriations bill last year, and the President proposes another \$106 million for this program, an increase of nearly \$42 million above the current level.

I believe these programs with law enforcement personnel from other nations are more important than ever, and there is a significant benefit to the State Department in using the facilities at LSU and New Mexico Tech to continue these training programs. I would concur that the Department should continue to carry out these courses at these two universities.

Ms. LANDRIEU. I thank the Chairman for his direction on this matter.

Mr. LEAHY. I can understand the concerns of the Senator from Louisiana and the Senator from New Mexico. I join the chairman of the Foreign Operations Subcommittee in his view that the State Department should continue to carry out ATAP courses at Louisiana State University and the New Mexico Institute of Mining and Technology.

Mr. DOMENICI. I thank the Chairman and Ranking Member for their interest in, and assistance on, this most important issue.

SURPLUS FOOD AID TO IRAQ

Mrs. BOXER. Mr. President, 2 weeks ago Ambassador Wendy Chamberlain of the U.S. Agency for International Development testified before the Senate Foreign Relations Committee that there is as little as a 1-month supply of food available to Iraqi citizens. I am told that the administration has had informal discussions with the Appropriations Committee on how they plan

to spend the \$2.4 billion in the supplemental for the Iraq Relief and Reconstruction Fund.

After hearing about these consultations with the administration, I am very concerned to learn that there is virtually no new money in this bill for food aid. Rather, the money that is being requested will be used primarily to reimburse funds that were already borrowed from other fiscal year 2003 foreign operation accounts to pay for food aid or to pay for logistics and distribution. The good news is that the Senate may be working to increase the amount of food aid in this bill and the House version of the supplemental appropriates funds for food aid.

With this food aid, we have a chance to help not only the Iraqi people, but also America's farmers. Many of America's farmers are experiencing a surplus of commodities that could provide valuable nutrition to the Iraqi people while alleviating potential crop losses for our Nation's farmers. Our high quality food products such as rice, beans, raisings, dates, dried fruit and other relatively nonperishable items are familiar foods in that region of the world and would be appropriate for inclusion in our relief supplies.

I am wondering if the chairman and ranking member of the Agriculture Appropriations Subcommittee could tell me if this additional food aid funding can be used to purchase surplus agricultural commodities, which would both help feed the Iraqi people and benefit American farmers?

Mr. BENNETT. Yes, that use is entirely permitted. I agree that we should do all that we can to help the Iraqi people and our farmers at the same time.

Mr. KOHL. I think that this is an excellent suggestion, and I would support the use of a portion of these funds to purchase surplus U.S. commodities that are appropriate to meet the dietary needs of the affected populations and that are currently authorized for inclusion under these programs.

Mrs. BOXER. I thank my colleagues.

• Mr. KERRY. Mr. President, we are currently engaged in a war with Iraq. I strongly believe that our military must have every resource at its disposal to fully prosecute and win this war. I support the Senate fiscal year 2003 supplemental appropriations bill because it provides funding for the military functions of the Department of Defense as it prosecutes the war in Iraq. The bill also includes funding for the reconstruction efforts in Iraq and funding to continue our anti-terrorism efforts. However, I am disappointed that the bill does not provide adequate funding to protect our homeland.

The bill provides more than \$62 billion to prosecute the military operations in Iraq, including replenishing munitions that have been expended and maintaining air, ground and sea operations critical to our war effort. It also provides more than \$7.8 billion to support the reconstruction of health serv-

ices, sanitation, transportation and telecommunications for the people of Iraq.

I also support the additional funds included in this bill to increase airline security. The bill provides \$1 billion to reimburse airline security costs, \$100 million to assist airlines in upgrading cockpit doors, and \$375 million for airline operating and capital costs. I believe that this funding will help maintain the flying safety of the American public.

I am grateful to both Chairman STEVENS and Ranking Member BYRD for providing \$150 million to the Department of Veterans Affairs for health care services to veterans of the Iraq war. I worked with Senator GRAHAM on an amendment to help pay for the health care of returning service members who are released from the military. We are not meeting our promises to our veterans. The VA has consistently received inadequate resources to meet rising medical costs and a growing demand for its health services. This funding crisis has forced the VA health system to resort to short-term fixes, such as discontinuing outreach activities in an effort to reduce enrollment and instituting new regulations that require the rationing of health care. This veteran's health care crisis has been exacerbated with the recent announcement that the VA would provide free medical services to all veterans of the Iraq war for 2 years. The additional funding included in the supplemental is crucial to insure that current veterans do not receive a further reduction in health benefits.

While this legislation contains an acceptable level of funding to help prosecute the war with Iraq, I am deeply concerned that this legislation does not meet our Nation's homeland security needs. Vulnerabilities exist in our homeland security infrastructure, and we should not squander a single day addressing them. An independent task force, chaired by former Senators Gary Hart and Warren Rudman, recently advised that "America remains dangerously unprepared to prevent and respond to a catastrophic attack on U.S. soil." We must act to ensure that the Federal and State agencies needed to better protect our borders, coasts, cities, and towns have sufficient resources to do so.

The bill includes approximately \$4.6 billion for increased border and maritime security to assist State and local governments in protecting our cities and our critical infrastructure from terrorism. But I believe that more should have been done to protect our homeland from the risk of terrorism. That is why, I supported an amendment offered by Senator SCHUMER which would have provided \$3 million in additional funding for first responders and \$1 billion for security in high-threat areas.

Last year I was very involved in the development of the new port security law, which included new rigorous security requirements for our ports. Given

the vulnerabilities that we know exist in our port security, I am deeply disappointed that the Senate has thus far provided insufficient funding to address these problems. I strongly supported a Hollings amendment that would have provided \$1 billion for port security and to screen vessels for radioactive materials.

I also support an amendment offered by Senator BOXER that would provide \$30 million to the Department of Homeland Security for research, development and initial deployment of technology to protect commercial aircraft from the threat posed by stinger missiles.

While I missed the votes on these amendments, I was recorded in support of each in the RECORD.

We must continue to fight both the war with Iraq and the war against terrorism and funding for these programs is a necessary component of that fight.●

Mr. LEVIN. I am pleased that this supplemental appropriations bill contains language proposed by Senator STABENOW and myself that will increase security inspections of trucks hauling municipal solid waste into Michigan from Canada. At a time when we are increasing security measures at all levels to protect our citizens, it doesn't make sense to allow 130 to 140 truckloads of waste cross into Michigan every day from Canada without inspection.

On January 1, 2003, the city of Toronto began shipping all of its municipal solid waste 1.1 million tons—to Michigan's landfills. As a result, thousands of truckloads of waste cross the Blue Water Bridge and the Ambassador Bridge and travel through the busiest parts of Metro Detroit without inspection.

Even though Customs recently issued a memo announcing that it would increase security measures for municipal solid waste trucks, citing security concerns related to September 11, it reversed that decision on February 7, 2003, the same day that the Homeland Security national threat level was raised to level orange. Therefore, these trucks will continue to be treated as a low-risk commodity, which will allow these trucks carrying tons of municipal solid waste to cross the Michigan-Canadian border with minimal scrutiny.

Our amendment, that has been included in this bill, will ensure that these trucks are inspected before they cross the Ambassador and Blue Water Bridges. Further, the amendment provides that the Blue Water Bridge will receive radiation detection equipment by May 1, 2003.

We cannot take the chance that harmful materials will be transported into Michigan on one of these trucks. Our amendment will help to prevent that scenario by ensuring the inspection of these municipal solid waste trucks at the border.

Mr. JEFFORDS. Mr. President, reluctantly, I am voting for this supple-

mental appropriations bill to provide funding for homeland defense and our military campaign in Iraq. Like it or not, the war is on and we owe it to our men and women in uniform to provide them with the resources necessary to bring the war to a rapid and successful conclusion.

We have known for more than a decade that Saddam has chemical and biological weapons, but there has been little concern that these weapons pose a direct threat to the United States. Since coming to office, this administration has raised the specter that Iraq also has been developing nuclear weapons capable of causing great harm to the United States. It has focused a great deal of America's intelligence assets on the question of Saddam's capabilities, yet the administration has not presented any evidence of an active nuclear program. In fact, one of the key pieces of evidence provided to the United Nations by the administration turned out to be a forged document. Moreover, International Atomic Energy Agency experts rejected the administration's assertion that the aluminum tubing in Iraq's possession was evidence of a nuclear program. Two months of intrusive inspections by U.N. inspectors turned up no additional evidence of new Iraqi possession or production of weapons of mass destruction. In the end, the administration has failed to demonstrate that possession of such weapons by Iraq would pose an imminent threat to the United States.

My concerns with the administration's course of action are long-standing and public. I voted against the resolution to give the President the authority to go to war because I did not believe that the threat posed by Iraq was imminent. I do not believe that the administration should have abandoned the U.N. inspection regime. Its inspectors were on the ground in Iraq and achieving concrete results in actively disarming Saddam's regime. Instead of allowing the inspection process to continue, the administration turned its back on international institutions and relationships built up over many decades and pursued a unilateralist course of action with a narrow coalition of allies.

As we all know, the military campaign in Iraq is now at a critical juncture. With countless examples of Saddam's troops using the Iraqi population as human shields, the prospect of devastating consequences looms with the impending battle for Baghdad. In recognition of this fact, Gen Richard Myers today suggested that the United States military, while consolidating its encirclement of Baghdad, might attempt to isolate Saddam Hussein and cut off his communication with the rest of Iraq without bringing the military campaign into Baghdad. I urge President Bush to use this opportunity to turn to the international community, whether it be the United Nations or the Arab League, or any other suit-

able or appropriate entity, to make one last effort to seek the removal of Saddam Hussein and his cadre of supporters. Time is fleeting, but I believe we must make this effort prior to exposing American lives, and the lives of untold numbers of innocent Iraqis, to the potential devastation of a door-to-door campaign in the streets and houses of densely populated Baghdad. Accordingly, I call on the administration to hold off for a period of 3 to 4 days on the invasion of Baghdad. During this time, the United States and its military allies could continue building their forces around Baghdad and consolidating control across the rest of Iraq. However, this critical period would provide Saddam Hussein one last opportunity to spare his people the inevitable destruction and loss of life that would result from the siege of Baghdad. Such an initiative also would demonstrate to the international community, particularly to the other nations in the region, America's continued commitment to seeking the removal of Saddam Hussein from power with the least possible loss of civilian life.

President Bush campaigned for President on a pledge that America would be humble in its relations with other countries. However, on issue after issue of critical international importance, the Bush administration has governed in a very different fashion. It rejected the Kyoto Treaty, despite years of negotiation and worldwide agreement on the dangers of global warming. It has refused to join worldwide efforts to bring into force the Comprehensive Nuclear Test Ban Treaty, despite the critical dangers posed by the spread of nuclear weapons technology. Instead of capitalizing on a Russian desire to reach agreement on deep cuts in nuclear weapons, and ensuring that Russian nuclear materials never fell into the hands of America's enemies, the President allowed his distaste for arms control to preclude agreement on real cuts in nuclear weapons. In its place we got the charade called the Moscow Treaty, a treaty that fails to remove even one nuclear warhead from either country's arsenal.

A decade ago, the United States went to war with the United Nations' blessing, a united NATO, and a broad, diverse coalition of nations by its side. Today, the United States is at war without U.N. support, in the face of direct opposition by longtime NATO allies, and with only a smattering of other major nations aligned with it. A decade ago, America's gulf war allies joined in the military action and funded the bulk of the war effort. Today, the administration has been forced to open the vault, offering untold tens of billions of dollars to enlist the support of allies that traditionally have stood by our side. And I am afraid the American people will be left picking up the tab for both the military operation and the rebuilding of Iraq.

I urge the President to take this opportunity to avert more bloodshed and

to involve the international community in the Iraqi end-game and the critically important job of rebuilding the political and economic infrastructure of Iraq.

Mr. REID. Mr. President, I rise to support this important bill that will provide \$60 billion for our troops in Iraq. I am especially proud of the Nevada sons and daughters who have been deployed to the Middle East as part of Operation Iraqi Freedom. As many of you know, Nevada has the finest military aviation training facilities in the world.

Nellis Air Force Base and Fallon Naval Air Station train the aviators serving on the front lines of this battle. Hundreds from Nellis—pilots and other mission critical personnel—are right now serving on the front lines. Hundreds trained at Fallon are there too. When you see those Navy fighters taking off from carriers in the Gulf, chances are they were trained at Fallon.

Nevada's Guard and Reserve troops are also playing a significant role. Nevada's percentage of Guard and Reserve call-ups and deployments has been one of the highest in the Nation. I understand why so many Nevadans have been called up. They are talented. They are heroes. When this action started, I promised to do everything in my power to ensure that Congress fully funds and supports the needs of our troops as this conflict proceeds. This bill provides more than \$60 billion to make good on the commitment that my colleagues and I made to support our troops.

I am also encouraged by the efforts the administration made to provide additional funds for protecting our front-line defenders here at home—the emergency responders we depend on to respond to a terrorist attack. I believe we could have done more to give cities and counties in each of our states the resources they need to ensure our homeland is as secure as it can be. I am pleased that we were able to add an additional \$150 million for securing nuclear materials at home and abroad. This amendment will provide additional resources to keep terrorists from getting the ingredients they need to make a dirty bomb. I want to thank my colleagues for completing this bill in a timely manner to help our troops as they help bring freedom to the people of Iraq.

Mr. STEVENS. Do we have the yeas and nays on final passage? I am too tired. We are going to third reading. We are finished. I am going to do that right now. We are done.

Mr. President, I ask unanimous consent that following the passage of S. 762, the bill be held at the desk; provided further that when the Senate receives the House companion bill to S. 762, the Senate proceed to its consideration, all after the enacting clause be stricken, the text of S. 762, as amended, be inserted in lieu thereof; provided further the bill then be read for a third time and passed, the motion to recon-

sider be laid upon the table, the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate; finally, I ask unanimous consent that passage of S. 762 be vitiated and it be placed back on the calendar at that time and that the conferees be the entire Appropriations Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Parliamentary inquiry: There is no further business to be had on that bill; right?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Good night, ladies and gentlemen.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Kentucky (Mr. MCCONNELL) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. MCCONNELL) would vote "yes".

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KERRY) would each vote "aye".

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—93

Akaka	Corzine	Hutchison
Alexander	Craig	Inhofe
Allard	Crapo	Jeffords
Allen	Daschle	Johnson
Baucus	Dayton	Kennedy
Bayh	DeWine	Kohl
Bennett	Dodd	Kyl
Biden	Dole	Landrieu
Bingaman	Dorgan	Lautenberg
Bond	Durbin	Leahy
Boxer	Edwards	Levin
Breaux	Ensign	Lincoln
Brownback	Enzi	Lott
Burns	Feingold	Lugar
Campbell	Feinstein	McCain
Cantwell	Fitzgerald	Mikulski
Carper	Frist	Miller
Chafee	Graham (FL)	Murkowski
Chambliss	Graham (SC)	Murray
Clinton	Grassley	Nelson (FL)
Cochran	Gregg	Nelson (NE)
Coleman	Hagel	Nickles
Collins	Harkin	Pryor
Conrad	Hatch	Reed
Cornyn	Hollings	Reid

Roberts	Shelby	Sununu
Rockefeller	Smith (OR)	Talent
Santorum	Snowe	Thomas
Sarbanes	Specter	Voinovich
Schumer	Stabenow	Warner
Sessions	Stevens	Wyden

NOT VOTING—7

Bunning	Inouye	McConnell
Byrd	Kerry	
Domenici	Lieberman	

The bill (S. 762), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I announce for Senator BYRD that at the time of final passage, he was necessarily absent, but if Senator BYRD had been here, he would have voted aye.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order for the chairman and ranking member, with the concurrence of both leaders, to be permitted to make technical and conforming changes as necessary to the supplemental appropriations bill. The bill was put together pretty quickly, and we want to do it carefully. We have cleared this with both leaders and with both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPETITIVE BIDDING ON GOVERNMENT CONTRACTS

Mr. WYDEN. Mr. President, of course, the debate throughout the day has been about the wise use of taxpayers' money. Yesterday in the Wall Street Journal, there was an article entitled "USAID Defends Secret Bids to Rebuild Iraq." At the same time, there was an article in the Washington Post entitled "Contracts to Rebuild Iraq Go to Chosen Few." "No Bidding War on Contracts in Iraq."

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 2, 2003]

THE ASSAULT ON IRAQ—USAID DEFENDS SECRET BIDS TO REBUILD IRAQ

NATIONAL SECURITY IS CITED AS REASON FEW FIRMS KNEW OF \$1.7 BILLION IN CONTRACTS

(By Neil King Jr.)

WASHINGTON.—Amid worries that preparations aren't moving as fast as hoped, a top procurement official defended the government's decision to approach only a handful

of U.S. companies to help rebuild postwar Iraq.

The U.S. Agency for International Development chose to put out the bids in secret to a limited number of companies under an exception that allows agencies to by-pass the usual competitive bidding for national security reasons, said Timothy Beans, the agency's chief of procurement.

"Anytime you are in wartime condition you don't have the four or five months to go out on the street for the kind of competition you'd like," Mr. Beans said.

USAID began approaching preselected bidders for postwar Iraq work as early as late January, when the possibility of going to war with Iraq was still being hotly debated at the United Nations. Requests for proposals went out for four contracts in mid-February, with two more early last month. Altogether, the work—including rebuilding highways and bridges and rehabilitating Iraq's school system—is expected to cost at least \$1.7 billion.

Similar exceptions were made for reconstruction after the recent antiterror campaign in Afghanistan and in the mid-1990s after the war in Bosnia, Mr. Beans said. He conceded that except for those three emergencies the restricted contracting procedures are unusual.

USAID officials said last week that as many as six contract awards would be announced soon, but final decisions may now be put off until next week. Some companies competing for the contracts say they are receiving conflicting signals over the length and ambitiousness of the work.

Plans last month outlined an aggressive rebuilding campaign, including sweeping changes to Iraq's education and health systems, that would nonetheless last only 12 months. Some U.S. officials now concede that any meaningful work will take much longer than a year, but others in the administration are wary of moving forward on anything that would suggest a prolonged U.S. occupation of Iraq.

The uncertainty over how to proceed also reflects mounting unease over the U.S.-led military campaign, which has so far offered scant evidence that average Iraqis are ready to embrace American control of their country.

Reconstruction officials within the administration had planned to use the southern city of Basra as a test case for the U.S. rebuilding effort. Iraq's second-largest city has a dominant Shiite population that has long been at odds with Saddam Hussein. But continued fighting there, and signs that the local population might be less receptive than some predicted, have put those plans on hold.

Competition for the big infrastructure-rebuilding contract, valued at \$600 million, was limited to seven large U.S. engineering companies, several of which have now either been dropped from the running or formed teams with other bidders. People involved in the bidding say the lead competitors are Bechtel Corp. and Parsons Corp., which has taken on Halliburton Co.'s Kellogg Brown & Root as a subcontractor. Halliburton announced Monday that its KBR division won't seek to be the prime contractor for rebuilding Iraq's infrastructure, but "remains a potential subcontractor for this important work."

The administration's postwar plans for Iraq have stirred charges in Europe that all major rebuilding work will go to U.S. concerns. While none of the contracts will go to foreign companies, those companies will be eligible to fill in as subcontractors, Mr. Beans said.

CONTRACTS TO REBUILD IRAQ GO TO CHOSEN FEW

(By Jackie Spinner)

KBR, the company the U.S. government picked this week to put out oil-field fires in Iraq, has a long history of working for the military on big projects in foreign hot spots. The former Kellogg Brown & Root—a subsidiary of Houston-based energy services firm Halliburton Co., which Vice President Cheney headed from 1995 until 2000—developed a contingency plan for extinguishing the fires as part of a 10-year Pentagon logistics contract it was awarded in 2001 through a competitive bid, company officials said. So when the U.S. Army Corps of Engineers needed a firm to douse fires ignited by retreating Iraqi forces, the company was already on the ground in Kuwait. "KBR have been over there, and they had an existing contract with the Army," said Scott Saunders, a spokesman for the Corps of Engineers. "Because of that and because of that need to snuff those fires quickly, KBR was sole-sourced." The work is being subcontracted to Boots & Coots International Well Control Inc. and Wild Well Control Inc.

The latest contract was awarded under a waiver the Bush administration granted in January allowing government agencies to handpick companies for Iraqi reconstruction contracts. The U.S. Agency for International Development is handling the bulk of the contracts. KBR is also on the short list of companies the USAID invited to bid for the prime contract to rebuild Iraq's infrastructure after the war, including highways, bridges, airports and government buildings. The others include Fluor Corp., Washington Group Inc., Bechtel Group, Louis Berger Group and Parsons Corp. That contract, for at least \$900 million, could be awarded as soon as today. The government is proposing to spend \$2.4 billion on humanitarian aid and reconstruction in Iraq.

Halliburton plans to put KBR and another subsidiary into bankruptcy protection this summer as part of a plan to settle outstanding asbestos-related claims for about \$4 billion. But KBR's government operations aren't part of that plan, Halliburton said.

Some government contract experts said the latest KBR award shows how companies with long-standing ties to the military get dibs on new work. The company has been building ships, mess halls and toilets at base camps around the world for six decades, originally as Brown & Root. Over the past decade it has won contracts to provide logistical support to troops, most recently in Somalia, Haiti and the Balkans.

But the experts said the problem is that not putting the contracts out for bid allows critics to question the fairness of the process and whether the most politically connected companies have an edge in getting the awards.

"The administration has made potential use of shortcuts and exceptions that let it put literally billions of taxpayer dollars in the hands of selected contractors," said Charles Tiefer, a law professor at the University of Baltimore and the author of a casebook on government contracting. "Naturally, a large credibility gap looms between the administration's plausible excuses that tight deadlines and exceptional security needs compelled it to forgo the usual competitive safeguards and the critics' observations that it is awfully convenient for juicy plums to land in the lap of the vice president's former company."

William H. Carroll, a government contract lawyer who also teaches at American University's Washington College of Law, said there is justification for getting the contracts out as soon as possible. But he said it could come at a price.

"Because of the intense nature of the need to do things quickly, the work may not be as well defined, and the fact that there isn't a competitor putting pressure on price, these are probably going to be expensive contracts," Carroll said. "I don't think there's an evil intent. But our procurement process relies on competition to determine what is a fair and reasonable price."

The General Accounting Office found in September 2000 that the U.S. Army had not done enough to contain costs associated with KBR's \$2.2 billion work providing logistical and engineering support in the Balkans.

Officials "frequently have simply accepted the level of services the contractor provided without questioning whether they could be provided more efficiently or less frequently and at lower cost," the report said. The company and the Pentagon disputed the findings, which did not question the quality of the work KBR had performed.

The Corps of Engineers said the value of the KBR contract in Iraq will depend on the scope and number of fires it will have to extinguish during and after a war that has not yet ended. So far there are seven oil fires burning in Iraq. Steven L. Schooner, co-director of the Government Procurement Law Program at George Washington University's law school, said KBR's track record is not in question.

"They have won the hearts and minds and stomachs of the military," he said. "They have done a fabulous job, and our troops are better off for it."

Schooner said the Cheney connection to Halliburton should not be an issue. But, he said, the non-competitive nature of awarding the Iraqi reconstruction contracts has made it one.

"Had these contracts not been awarded in a secretive manner it would be easier to cut off the questions earlier," he said.

Mr. WYDEN. Mr. President, suffice it to say, the Senate missed an opportunity tonight to stand up for openness and competition in contracting and to make sure there was an opportunity to spend prudently on the effort to rebuild Iraq. It seems to me that too much taxpayers' money is at stake in rebuilding Iraq to allow Federal officials to use a secret process to handpick companies to do this work. There ought to be an open and full and competitive process to ensure the prices charged are reasonable and the contractors selected are the most qualified.

Senator COLLINS of Maine and I worked for 48 hours on a bipartisan basis to make it possible to offer an amendment that would ensure that there be real openness in contracting and that there be an effort to make sure that the billions of dollars that are going to be spent rebuilding Iraq be part of a contract process that is governed by competitive bid.

It is a very simple proposition. We ought to make sure it is out in the open, it is transparent, that the public can see what is going on, and that contracts should not just go to a handful who have power and influence, particularly in this city.

Unfortunately, because of an objection, that amendment was not added tonight. I come to the floor to say that I intend to keep coming back until the Senate stands up for openness in Government contracting and competitive bidding so that the taxpayers' money is used well.

That is not what is happening with \$1.7 billion worth of contracts for rebuilding highways and bridges and rehabilitating Iraq's school system. Recently, the U.S. Agency for International Development handpicked a selective group of companies to participate in a secret bidding process for awarding four separate contracts totaling \$1.7 billion. That is just one example of what is ahead with respect to how taxpayers' money is going to be used.

In the past, the General Accounting Office has been very critical of this kind of approach. The General Accounting Office has found that contractors had not done enough to contain costs on projects involving engineering support in areas where the military was involved.

According to a September 2000 report by the General Accounting Office, Federal officials said:

Frequently, they have had accepted the level of services the contract provided without questioning whether they could be provided more efficiently and more frequently and at lower cost.

What could be more important for this Senate to stand up for? What could be more important than to make these contracts involving billions of dollars be let in a way that is efficient and open?

The current plan to select contractors for reconstruction work in Iraq without competitive bidding creates the potential for more of the same, more of the same where noncompetitive contracting work is conducted by the Federal Government and we have a repeat of the overpriced contracts and less acceptable services that come about when contracting is not competitive.

Given the enormous sums of taxpayer money that will be involved, there ought to be competitive bidding across the board. Certainly there ought to be competitive bidding unless someone shows a compelling national security reason to do otherwise. I am of the view that if Federal agencies are not going to use full and open competition, at a minimum they ought to have the burden of demonstrating why competition is not the proper way to avoid the contracts.

Senator COLLINS and I wanted, tonight, with the very helpful counsel of Senator CLINTON of New York, who also worked in this area, to offer an amendment to require the Federal agencies to make public the documents used to justify their decision to waive the normal requirements for open and fully competitive bidding. Think about that proposition. Heaven forbid we actually make public the documents that describe why we are not having competitive bidding. That strikes me as a very modest step when you are talking about billions of dollars' worth of taxpayer money.

But because there was an objection tonight, now we are not going to have the refusal to go forward with competi-

tive bidding even made public. It seems to me the way to make sure the taxpayers get the best value for their money and we have companies that compete for this work is to make sure that the standards for exempting contracts from competition are strict and rigorous and are designed to protect the needs of taxpayers and the national security.

Our amendment would have required agencies to make the justification and approval documents it used, if you were to have a contract exempt, public. And it would ensure we have full and vigorous competition and would have required other Federal agencies to make their justifications public before they entered into any contracts to rebuild Iraq.

I don't think the Senate wants to sit by and see these kinds of articles in our newspapers day after day: USAID Defends Secret Bids to Rebuild Iraq. Contracts to Rebuild Iraq Go To Chosen Few.

Unless we have the Wyden-Collins bipartisan amendment to open up this process, to promote competition, to have full disclosure, we are going to have articles like this in our newspapers day after day after day. It is going to contribute to the cynicism and frustration that taxpayers have in this country with respect to how their money will be used. It will be a long year. We are going to see these articles again and again.

I intend to come back to the Senate and stay at this. I wanted to make sure we would have a bipartisan amendment on this effort and worked very closely with the bipartisan leadership throughout the day. I thought we were there. I thought we had this amendment in a fashion acceptable to both sides. It is very regrettable it has not been accepted. I will continue to work with my colleagues. The taxpayers of this country ought to be angry about this kind of process used to let contracts.

Certainly, if there is a national security reason or some sort of contract that requires an expedited arrangement, that needs to be treated in a way that protects our national security. That is not what is going on here. What we are seeing is businesses in Missouri, Oregon, Maine, and across the country not being part of the privileged circle. A lot of businesses are going to be angry about this because they are not part of that hand-picked elite that will have a chance to get the contracts. What is going on now is bad for business, it is bad for competition, it is bad for taxpayers, and I think it is bad for national security. I don't think we will get the most for our money if we continue to have the contracts, as the papers say, go to a chosen few.

The Senate made a mistake. It is particularly unfortunate because two Senators worked for the last 48 hours in a bipartisan way to try to prevent the things we have seen in the last few days from happening again and again. It will happen again and again. That is

why I intend to come back to the Senate. It is unfortunate there was an objection tonight to our bipartisan legislation.

I look forward to seeing the Senate in the days ahead stand up again on a bipartisan basis for a process that is open, a process that promotes competition, that is good for taxpayers, good for business, and good for our country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DANIEL PATRICK MOYNIHAN

Mr. WARNER. I join all who had the privilege to serve with our late colleague, Senator Patrick Moynihan. Of the 24 years I have been here, 22 were spent with him. While my heart has sadness, it is filled with joy for the recollections of a wonderful friendship and working relationship we had in the Senate.

We shared a deep and profound love for the U.S. Navy. He served from 1944 to 1947 and was a commissioned officer. I served from 1946 to 1947 as an enlisted man. Whenever we would meet, he would shout out, "Attention on deck," and require me to salute him as an enlisted man properly salutes an officer. Then he would turn around and salute me, as I was once Secretary of the Navy, and he was consequently, at that point in time, outranked.

That was the type of individual he was. He filled this Chamber with spirit, with joy, with erudition, and he spoke with eloquence. We shall miss our dear friend.

I recall specifically serving with him on the Committee on Environment and Public Works, of which he was chairman for a while. He had a great vision for the Nation's Capital. Some of the edifices we enjoy today would not have been had it not been for this great statesman. The landmarks would not be there had it not been for him. I am talking about the completion of the Federal Triangle. The capstone, of course, is the magnificent building today bearing the name of our President Ronald Reagan.

He was a driving force behind the completion of that series of Government buildings started in the 1930s, under the vision of Herbert Hoover and Andrew Mellon. They were great

friends. They wanted to complete that magnificent series of buildings, but the Depression came along and the construction stopped. Pat Moynihan stepped up and finished.

Many do not know that in Union Station, which today is a mecca for transportation, a transportation hub—we have rail, the bus, and we have the subway. Pat Moynihan was the one who saved that magnificent structure for all to enjoy for years to come.

I suppose the capstone was the Judiciary Building. I remember full well how he came before the committee and expressed the importance for the third branch of Government to have its administrative offices and other parts of that branch of the Government encased in a building befitting the dignity that should be accorded our third branch of Government. That building marks his genius.

In improving transportation, he was key in TEA-21, the landmark legislation that provided so much return to the States for their transportation needs, again, as chairman of Environment and Public Works.

He had a strong commitment to addressing poverty in rural America and was a strong supporter of the Appalachian Regional Commission which touched the States of West Virginia, Virginia, and others.

We are grateful to him. He understood the people as few did. I say goodbye to this dear friend. I salute him. I will always have joy in my heart for having served with this man who, in my humble judgment, had the wit, the wisdom, and the vision of a Winston Churchill.

Mr. SARBANES. Mr. President, when Pat Moynihan retired from the Senate in 2000, following four terms of devoted and distinguished service to the citizens of New York and indeed of the Nation, he left a great void; now, with his death, he leaves a greater void still. To paraphrase Thomas Jefferson, speaking of Benjamin Franklin when in 1784 he took Franklin's place as the Ambassador of the new American Republic in Paris, others may succeed him in the many different roles he played in our national life, but no one will ever replace him.

No simple category was ever capacious enough to accommodate Daniel Patrick Moynihan. With justification he has been called an intellectual, a scholar, an academic, an author, an editor, a politician, a diplomat, and a statesman. He has been known variously as a scholarly politician and a political-minded scholar; certainly as Nicholas Lemann has observed, "he was more of a politician, by far, than most intellectuals." He was a fierce partisan of cities and the urban landscape, but he was equally devoted to the urban and rural spaces of his State of New York. Born in Tulsa, he was a quintessential New Yorker. He was also a proud citizen of this capital city, where he and Liz, his wife and partner in every endeavor for nearly 50 years,

chose to live at the very center. He was at home in academic communities wherever he found them. He was equally expert in domestic and foreign policy.

Pat Moynihan grew up poor, and never, ever forgot the grinding, corrosive effects of poverty; many years removed from poverty himself, he characterized tough bankruptcy reform legislation as "a boot across the throat" of the poor. As a child he earned money by shining shoes; later he worked as a longshoreman. He served in the U.S. Navy. He went to college courtesy of the G.I. bill, earning his B.A. from Tufts University and his M.A. from Tufts' Fletcher School of Law and Diplomacy. Some years later he earned his Ph.D. in international relations at Syracuse University, but only after spending a year as a Fulbright Scholar at the London School of Economics and working for a time in the office of the Governor of New York.

From the time he left Syracuse for Washington in 1961 until he ran successfully for the Senate in New York in 1976, Pat Moynihan held a challenging succession of positions in public service and in the academic world. Although over the years Pat represented New York in the Senate his colleagues became accustomed to that versatility, in retrospect it appears astonishing. He joined the Labor Department in 1961, eventually becoming the Assistant Secretary for Policy Planning, but left in 1965 to become director of the Joint Center for Urban Studies and a professor in the Graduate School of Education at Harvard. Four years later he returned to public life as an assistant to the President for urban affairs, only to return the following year to Harvard, only to be called upon to serve as the U.S. Ambassador to India and then to the United Nations. In those 15 years he served in four different administrations and held six different positions. In every one of them he served with distinction and his accomplishments—many of them considered controversial at the time—are remembered respectfully today. They will not soon be forgotten.

New York's voters first sent Pat Moynihan to represent them in the Senate in 1976, and returned him every 6 years for three additional terms; he declined to run again in 2000, after 24 years of service. It was as though, in coming to the Senate, he had come home. He set his sights quickly on the Finance Committee, with its vital jurisdiction over Social Security, Medicare, and other social programs. In his third term he rose to the chairmanship, the first New Yorker to chair that committee in nearly 150 years. In that capacity he worked to enact legislation that proved to be the foundation for a period of economic growth that raised millions of Americans above the poverty level.

As a member of the Committee on the Environment and Public Works he worked hard, often with spectacular

success, to promote awareness and assure the preservation of many of the buildings, once seemingly destined for demolition, that today we consider our priceless national heritage. For this the National Trust for Historic Preservation in 1999 honored him with the Louise DuPont Crowninshield Award, its highest honor, noting, "The award is made only when there is indisputable evidence of superlative lifetime achievement and commitment in the preservation and interpretation of the country's historic architectural heritage." Everyone who walks along Pennsylvania Avenue in this city or through New York's Pennsylvania Station is forever indebted to Pat Moynihan. He procured the necessary funding to save Louis Sullivan's Guarantee Building, in Buffalo, and promptly moved his district office into it. In his brief chairmanship of the committee he shepherded through to enactment groundbreaking legislation, the Intermodal Surface Transportation Efficiency Act of 1991, ISTEA, which recast our thinking about surface transportation.

Pat Moynihan's formal academic training was in foreign policy. Here he will be remembered for his effective ambassadorship to India, his forceful and principled representation of United States interests in the U.N. Security Council and his early conviction, little shared at the time he expressed it, that behind the facade of Soviet military might and empire lay a system in danger of collapse. He proved to be correct. He should also be remembered for his role as one of the "Four Horsemen" in the Congress, whose work often went unremarked. These four Members, whose families had come to this country from Ireland, worked tirelessly together in support of efforts to bring peace to Northern Ireland, and especially to steer United States policy in that direction. That Northern Ireland is no longer torn apart by violence is in some significant measure due to their efforts.

Once we have catalogued all Pat Moynihan's many accomplishments, however, there remains the man himself. In everything he did he remained a teacher, with an amazing capacity to instruct and to inspire. He believed, with Thomas Jefferson, that "Design activity and political thought are indivisible"—an elliptical idea to many of us, until we find ourselves in the presence of the architectural monuments he helped to preserve. He brought to every undertaking an extraordinary historical perspective, and an astute appreciation of what he called, in his commencement address at Harvard just a year ago, "our basic constitutional design." In his turn of phrase and in his thought, he was unabashedly himself—deeply self-respecting, just as he was respectful of other people and other cultures. For all these reasons he remains a vivid part of our national life.

It is difficult to know just how to honor our former colleague, Senator Daniel Patrick Moynihan, for his lifetime of service and his legacy. In the

end, our best tribute will lie not in the words of remembrance we speak but rather his tangible achievements and his legacy. The best tribute we can pay is not the words we speak but rather in our rededication to the principles for which he fought.

Mr. COCHRAN. Mr. President, the Senate was enriched enormously by the services of the late Senator from New York, Daniel Patrick Moynihan.

He was appreciated and respected for his intelligence, his sense of humor, his seriousness of purpose, and the warmth and steadfastness of his friendship.

His death last week saddened this Senator very much. His funeral services at St. Patrick's Church here in Washington last Monday attracted a large crowd of friends, former colleagues, and staff members as well as his attractive family. This manifestation of friendship reminded me why Pat Moynihan was such a successful public official. He liked people, and they liked him.

He took his job as U.S. Senator from New York very seriously. He worked hard for funding for the New York Botanical Gardens. He was also an active and effective member of the Board of Regents of the Smithsonian Institution where it was my good fortune and pleasure to serve with him.

He transformed the City of Washington, D.C. through his determined efforts to enhance the beauty and protect the architectural integrity of Pennsylvania Avenue.

His scholarly articles and books on the subject of the cultural and social history of our nation were informative and influential. The correctness of his assessment of the importance of the family unit in our society changed our attitudes about the role of federal government policies.

His influence was also felt on tax policies as a member of the Senate Finance Committee.

I convey to all the members of Pat Moynihan's family my sincerest condolences.

A NEW WAVE OF FALLEN HEROES

Mrs. FEINSTEIN. Mr. President, I rise today to pay my respects to four more Californians who have died in combat in Iraq, as well as to nine other Americans who were stationed in California and have made the ultimate sacrifice in our efforts to liberate the Iraqi people. Most of these men have left family in California.

So far, of the 44 Americans who have died, 10 were from California, while another 9 were stationed there. This accounts for around 45 percent of all those killed in action.

But first, I would like to take a moment to remind my colleagues about the two servicemen killed and another wounded late last week in Geresk, Afghanistan, when they were ambushed by Taliban forces while on a reconnaissance patrol.

As America focuses almost exclusively on the conflict in Iraq, we must

not forget the bravery and sacrifice of men such as SGT Orlando Morales, SSG Jacob Frazier, and others in America's larger, global war on terror.

Of the four Californians I would like to recognize today, two of them, members of the 1st Tank Battalion of 29 Palms, were killed when their tank plunged off a bridge near Nasiriyah, during a heavy sandstorm. Both of them were still legal residents.

LCpl Patrick T. O'Day: One of these was 20-year-old Patrick O'Day, who was born in Scotland and came to the United States when he was just 3. He learned to read around the same time and quickly impressed his family and surprised his kindergarten teacher.

He was captain of the wrestling team at Santa Rosa Middle School and a 2001 graduate of Santa Rosa High School, where he met his future wife Shauna. They were married in October of last year, and they are expecting their first child in September.

His younger brother, Thomas, said that Patrick was "always someone that could make anyone in the room laugh. When he came into a room, everyone knew he was there. He could change the atmosphere very quickly. . . . He was just so much fun to be around."

PVT Francisco A. Martinez Flores: Francisco Martinez Flores was also in the tank that plunged in the Euphrates River. He was born in Guadalajara, Mexico, and settled in Duarte, CA, when only a little boy.

He attended Maxwell Elementary School and graduated from Duarte High School in 2000, where he was a popular and outgoing football player with a passion for fixing up old cars.

He had expressed a desire to be "a great soldier" ever since he was a young boy. "[The Marines] returned to me a true man," said his mother, Martha, who had gone back to Mexico to bury her father when her son was deployed to the gulf. She never had the opportunity to say goodbye.

Francisco Martinez Flores was to become a U.S. citizen in 2 weeks. But the 21-year-old marine was killed before he could take an oath of allegiance to the country he died fighting for.

LCpl Jesus Suarez del Solar: Just 20, Cpl Suarez had already served in Afghanistan, and was ready to returning to combat, this time in Iraq. This past December, he had married his longtime girlfriend Sayne. They had a baby boy, Erik.

"I'm very proud of Jesus," said his father, Fernando. "I want Americans to know that immigrants that came to the United States, we did not come to take their jobs. We came here to give them our blood, so they can have freedom and they can have a world free of terrorism. That's why my son died."

Known as something of a charmer and even a bit of a flirt, he graduated in 2001 from Valley High School, in Escondido, a town about 30 miles north of San Diego. His principal, Janice Boedeker, said that "Jesus wanted to

become a marine from the time I met him, as a junior in high school. He was just a wonderful kid with maturity beyond his years."

"He was so excited about being a part of the infantry and the Marine Corps," Boedeker said. "I always ask kids about their goals what they want to do. There was never a question with him. I remember he wrote in big, capital letters: MARINES."

One of his teachers, Tom Gabriella, remembered how Jesus "felt he could build a solid life around the Marine Corps. . . . Once, he gave a presentation to a class. He always had a big smile on his face."

GySgt Joseph Menusa: Born in the Philippines, Joseph Menusa came to the United States when he was 10 and grew up in San Jose. A veteran of the first gulf war, he was killed in battle on Thursday, March 27. He was a graduate of Silver Creek High, Class of '89.

He was working his way up the ranks and was in the process of gaining his U.S. citizenship when he received his deployment orders to the gulf.

On the eve of his deployment, Sgt Menusa told his wife Stacy why he had to go. "He said he was in charge of these young kids and he was the only one who had ever seen combat. He needed to be their guide."

Capt Tuan Pham, who was born in Vietnam and worked with Sgt Menusa as a Marine recruitment officer in San Francisco, had this to say about his friend: "We are both naturalized Americans and believe in the ideals of what this country represents. He paid the ultimate price for something we all believe in—freedom."

Of those Americans stationed in California, most were from the 1st Marine Expeditionary Force based at Camp Pendleton, in San Diego County. While from all across the country, these men were so much a part of the local community, where the mood is somber, yellow ribbons are everywhere, and the flags at half mast.

I would also like to commend the local newspaper, the San Diego Union Tribune, for doing an impressive job of providing much of the information on those stationed at Camp Pendleton.

2Lt Therrel S. Childers, Harrison County, MS: While most youngsters pick a new career more often than they outgrow their sneakers, Lt Therrel Childers, the son of a Navy Seabee, first decided he wanted to be a marine when only 5 years old.

He joined the Marines a month after he graduated from high school; they sent him to college and promoted him. 25 years after he first glimpsed his future, Second Lieutenant Childers was fatally injured on a battlefield in Iraq.

"We're proud of him," his mother said from her Powell, WY, home. "He died doing what he believed in." He approached his life with a unique intensity that made him successful both in his career and in the classroom.

His professors at The Citadel, in Charleston, SC, saw the dedication

that made him a good marine. "When he decided to study French, he wanted to speak French perfectly," said one of his professors, Guy Toubiana. "It really bothered him if he was making a couple of mistakes."

His intensity sometimes made him the butt of jokes, but somehow he remained a likable guy, perhaps because he maintained his sense of humor. And despite his military surroundings, he still had a sensitive side. "He was very warm," Toubiana said.

The 30-year-old spent his limited free time climbing mountains, running road races, and mountain biking. Perhaps he would be most proud that marine friends remember him as someone they could count on.

John Bacon, who met Childers at The Citadel, said Childers would always show up to help lift a heavy sofa on moving day. "He was a type of person that would never let you down," Bacon said. "The world lost a great man."

Marine Cpt Ryan Anthony Beaupre, St. Anne, IL: Cpt Ryan Beaupre, who was single, abandoned an accounting career to join the Marines in 1996. "He always wanted to fly, but his parents wanted him to get a college degree first," said Bob Themer, a friend of the family's.

Beaupre, who was from St. Anne, IL, and graduated from Illinois Wesleyan University, and worked in accounting for a year. "Then he came home and told them he could do more as a marine," Themer said.

Beaupre lived in an Encinitas apartment overlooking the sea, where he often surfed, said neighbor Ron Holdsworth. He remembers a comment the marine made after military helicopters flew by their building one day.

"At the time, we were in Afghanistan fighting, and he said, 'The thing about being a marine is you know when your brother marines are fighting, you can't sit still. You want to go help them.'"

Navy Hospital Corpsman Michael Vann Johnson, Jr., Little Rock, AR: Navy corpsman Michael Vann Johnson, Jr., was killed Tuesday while tending to a marine wounded in battle in Iraq. He was hit in the head by shrapnel from a grenade and fatally injured, his sister, Janisa Hooks, told the Associated Press in Little Rock, AR, where Johnson was born and raised.

Only 25 years old, Johnson was a hospital corpsman who had been assigned to travel with Camp Pendleton-based marines in Iraq.

"He provided medical care right up to the time he was killed," said Doug Sayers, spokesman for the San Diego Naval Medical Center, where Johnson had been stationed.

Johnson had worked at the Marine Corps Recruit Depot since June 2001, helping oversee the health care of thousands of recruits, Sayers said. "A big hole has been ripped in the soul of the clinic down there," Sayers said.

Johnson's mother Jana Norfleet said she had recently received a letter from her son saying that he was going to be

all right. She said he wrote that "God had twisted a guardian angel around him."

Marine Cpl Brian Matthew Kennedy, Houston, TX: "He gave his life in an effort to contribute to the freedom of the Iraqi people," Mark Kennedy of Houston wrote in a statement about his 25-year-old son, Brian. "We are so very proud of him and his service to his country."

But sitting at home, staring at a photograph of his handsome, athletic son in his marine dress uniform, reminiscing about Brian's love of football and lacrosse, patriotism and pride seems overwhelmed by a father's pain. "We just miss him terribly already," the father said. "He was a wonderful man."

Sgt Michael V. Lalush, 23, Troutville, VA: Sgt Michael Lalush—pronounced LAW'-lish—was always busy trying to fix things, said Linda McMillan, a family friend who knew the sergeant from birth. He always had his hands in equipment, tinkering with lawnmowers and cars. As a teenager, he dragged home a pink 1965 Volkswagen Beetle, rebuilt and repainted it, and in no time was driving it around the neighborhood.

Lalush moved to Virginia with his family in 1994 from Sunnyvale, CA, settling in a quiet house on a hilltop overlooking farmland about 20 miles north of Roanoke.

A tall, gangly boy who eventually sprouted several inches above his parents, Lalush was anything but the stereo typically domineering military man, McMillan said. He was quieter, more sensitive, she said. He loved his sister Danielle and depended on his family.

More than anything, Lalush wanted to be a pilot and he wanted to be a marine. After graduating from Lord Botetourt High School, Lalush left for boot camp at Parris Island in South Carolina. He was transferred to Camp Lejeune, NC, and then to Camp Pendleton.

SSgt Donald C. May, Jr. Richmond, VA: SSgt Donald May, Jr., followed both parents into the Marine Corps and, just like his dad, became a tank commander. He disappeared in Iraq nearly a week ago and his mother learned Monday he had been killed.

May and his crew were in the 1st Tank Battalion, 1st Marine Division, based at the Marine Corps Air-Ground Combat Center in Twentynine Palms, CA.

He joined the Marine Corps the year he graduated from high school and spent 4 years in the military police, serving in the Middle East for the last few months of the first gulf war in 1991. He left for 2 years, serving in the Reserves, then "got back in as a tank commander, just like his dad," his mother said.

May's wife Deborah is 7½ months pregnant with a boy, due May 16. She went into premature labor Friday after learning that her husband was missing, but doctors were able to halt the delivery.

Maj Kevin Nave, White Lake Township, MI: A veteran of the 1991 Persian Gulf war, Maj Kevin Nave is the first Michigan native reported killed in the war with Iraq. He was from White Lake Township, about 20 miles north of Detroit, where he used to fish in the river behind his house.

He and his wife Carrie lived at Camp Pendleton with their son Anthony, 6, and daughter, Maeve, who turned 5 Thursday.

Nave graduated in 1985 from Waterford Kettering High School where he was on the school's varsity football and wrestling teams.

He was a very positive type personality, a school leader and a good citizen," said Ronald Zeeman, dean of students and a math teacher during Nave's years there. "The whole Waterford Kettering staff was proud of him. To have something like this happen, it really hits home."

After high school, Nave went to the University of Michigan on a Reserve Officer Training Corps scholarship. He graduated in 1989 with a degree in political science and attended marine officer's school immediately after college, said T.J. McCullough, a high school classmate and ex-marine.

According to T.J. McCullough, a high school classmate and ex-marine, "He was motivated, focused and driven, but one of the nicest, most easygoing guys you'd ever want to meet," said McCullough. "I know he followed his dream. He was a career marine."

Marine LCpl William W. White, NY: A shy and quiet 24-year-old with a sweet and charming smile, Marine LCpl William W. White had grand plans for his return from Iraq.

He had tested to become a New York City firefighter, a job that would take him home to his native Brooklyn. White and his wife Mychaele 23, wanted to begin a family when they moved back east.

Instead, the Camp Pendleton marine, whose father fought with the Army in the 1991 Persian Gulf war, was killed when his Humvee overturned into a canal and he drowned.

Along with his wife, White leaves behind two younger brothers and his parents in Brooklyn. According to his mother-in-law, Debra Gentry, "He was one of the sweetest, kindest guys. He always put himself last."

SSgt Kendall Damon Waters-Bey, Baltimore, MD: A specialist in helicopter maintenance, Sgt Kendall Damon Waters-Bey was assigned to the Marine Medium Helicopter Squadron-268, 3rd Marine Aircraft Wing.

Waters-Bey was among four United States Marines and eight British soldiers killed when a CH-46 helicopter crashed Thursday in Kuwait, about 9 miles from the Iraqi border.

He grew up in the rowhouse working-class neighborhood of northeast Baltimore, graduating from Northern High School where he excelled in swimming and track. At home, his sisters recalled, he excelled in jokes and cooking. "He was always making faces,

making people laugh," said his sister Michelle.

The oldest of five children, 29-year-old Waters-Bey had been living in California with his wife of 11 months, Angela, who serves in the Navy. He also leaves behind a 10-year-old son from a previous marriage.

Maj Jay Thomas Aubin, Waterville, ME: An 18-year marine veteran, 36-year-old Maj Thomas Aubin was an instructor with Marine Aviation Weapons and Tactics Squadron 1 in Yuma, AZ, before deploying for war with the Camp Pendleton force.

Aubin's hometown was Waterville, ME, where he was the first of 30 grandchildren in a family that has been in that State for generations.

"He was a very determined little boy," said his aunt, Kim Willette of Winslow, ME. "He had big dreams. He always wanted to fly planes and knew he was going to, just like his dad—a private pilot. Jay would fall asleep in the back of the Cessna."

"There's no way to soften the blow, his aunt said. "He prepared us for this all the time," she said. "But that doesn't make it any easier."

He is survived by his wife Rhonda and children Alicia, 10, and Nathan, 7.

SSgt James Cawley, Layton, UT: SSgt James Cawley, was a marine reservist and Salt Lake City police detective, was killed in a fire fight in Iraq Saturday.

"He could have been anything but he chose to be a soldier and an officer because of his strong beliefs," his family wrote in a prepared statement distributed by the police department Sunday.

Cawley leaves behind a wife, Miyuki, an 8-year-old son, Cecil, and a 6-year-old daughter, Keiko. He served for 12 years in the Marines, traveling around the world. He met his wife Miyuki in Okinawa, Japan, while serving there.

He also served a proselytizing mission with the Mormon Church in Fukuoka, Japan. "He knew that his life was not the end and that we will all be together again in a far greater place," the letter said.

Detective Mark Schuman, Cawley's partner on the Salt Lake City force for 18 months and one of his closest friends, had just received a letter from Cawley a few days ago. At the time of his writing, Cawley was in Kuwait, awaiting further instructions.

"He was a loyal and trusting friend, and he was an outstanding officer," Schuman said. "He was a very patriotic man, and he loved the Marine Corps, and he felt it was his duty to protect us and protect America."

As our troops move rapidly towards Baghdad, I continue to hope for a quick resolution to this conflict. I hope that the repressive regime of Saddam Hussein will soon collapse and the Iraqi people will be liberated. And I hope all of this can be done with as few casualties as possible, Iraqi, American and allied, civilian and military.

To those that have already fallen, we must never forget their sacrifice. They

have given their future for that of our Nation—and we as a nation owe them and the others that have fallen our eternal gratitude.

THE CRACKDOWN ON PRO-DEMOCRACY ADVOCATES IN CUBA

Mr. MCCAIN. Mr. President, tomorrow marks the anniversary of the assassination of Dr. Martin Luther King Jr. Dr. King's life reminds Americans of our unyielding commitment to freedom, justice, and equality for all. The peaceful civil rights movement that Dr. King lives and died for serves as a model for the ideals America promotes worldwide.

Today, just 90 miles off the shores of the United States, a desperate dictator is 2 weeks into a Stalinist-style crackdown on his country's non-violent democratic movement and its leaders. One political prisoner, Dr. Oscar Elias Biscet, has often been compared to Dr. King for his brave struggle to seek a non-violent transition to democracy in Cuba. The International Republican Institute (IRI), of which I am chairman, recently awarded Dr. Biscet with its Democracy's People Award for his courageous commitment to human rights, despite his imprisonment and the painful disease from which he suffers, and which remains untreated.

In a severe crackdown that demonstrates the true and brutal character of Cuba's dictatorship, the Castro regime has imprisoned over 80 independent journalists, human rights advocates, independent labor and pro-democracy activists, and supporters of the pro-democracy Varela project since March 18. Many of these activists are currently on trial. Dr. Biscet, who was arrested on December 6, 2002, while organizing a human rights discussion for International Human Rights Day, may be sentenced to life in prison and has apparently been threatened with the death penalty. The founder of the Lawton Foundation for Human Rights, which carries out educational campaigns to end the death penalty and forced abortions, Dr. Biscet was formerly imprisoned from 1999–2002. Dr. Biscet's wife, Elsa Morejon, had her house ransacked and her computer, phone, pictures and letters from her husband taken by the Cuba government.

Freedom-loving people everywhere condemn the use of the death penalty against peaceful political opponents of Castro's rule. Rather than threaten them with death, Fidel Castro should release all political prisoners in Cuba, which the State Department estimated to number between 230 and 300 before the current, massive crackdown.

The many brave Cubans who work and sacrifice every day for non-violent and democratic Cuba ask only that their fundamental human rights be respected. Although world attention is focused on Iraq, it is important that we not lose sight of the continued, aggressive repression of Cuba's democracy

and human rights activists. The United Nations Human Rights Commission is currently in Geneva preparing what I hope will be a strong and clear condemnation of these systematic violations of fundamental freedoms. It is imperative that the Cuban government be held accountable for this repressive crackdown.

One day soon, the political prisoners now held in Fidel's gulags will be celebrated as the voices of conscience that finally brought freedom and justice to Cuba after decades of brutal dictatorship. Castro and his regime cannot extinguish the flame of freedom and hope that burns in the hearts of Cubans, who will continue to peacefully seek liberty and justice—and will one day prevail.

OPERATION IRAQI FREEDOM

Mr. ENZI. Mr. President, like so many of us in the Senate and the House, I try to get home as often as I can, not just because I miss the scenery, but because I would miss the opportunity to meet with my constituents as they share their perspective with me on the issues that concern them. I think of it as harvesting good old Wyoming common sense. After I get as much as I can, I bring it back with me to share with my colleagues.

One of my constituents, Mr. Wallace Ulrich of Moose, WY gave me a copy of his presentation on Operation Iraqi Freedom that he shared with two groups of High School students at Jackson Hole High School in Jackson, WY.

In his remarks, Wally addresses several issues about the conflict and his thoughts about them. To begin with, he correctly points out that no one is pro-war, but that responsible nations are occasionally called to step up and take action when a wrong cannot be solved or addressed through diplomatic measures.

Saddam Hussein created just such a situation when he failed to abide by the agreements signed by his government at the end of Operation Desert Storm and refused to fully comply with the terms of several United Nations resolutions. It was only when a long diplomatic effort failed to produce the necessary results that the United States had to ensure that Iraq was disarmed and no longer a threat to the peace loving world.

I hope all my colleagues will take a moment to read what Wally had to say to our young people in Jackson, WY. He has an interesting point of view and he presents his position well. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. WALLACE ULRICH

Good Day.

And thank you for that kindness. Some of you know that I am also a ski patroller on Snow King—for the last thirty years—and you've even been kind to me up there!

First, I want to say that I am here not as a spokesman for any party or entity or organization or group. While I have held elected positions I am here, just like you, a citizen (only a lot older and a little grey in the hair).

I want you to know too, that I am neither a fan of nor a practitioner of personal degradation when discussing issues. I find it a sad trend in our politics. So you won't hear it here from me.

I admire the way Casey Baux persisted; his gracious and helpful demeanor should benefit us all today. The way Casey helped this event become reality is really, how "political things" get accomplished. Your teachers are also to be commended and the administration.

It is a misnomer to be labeled pro war. Frankly, I don't understand how anyone would take that position—but there comes a time when despots who have the blood of hundreds of thousands of people on their hands have to be stopped.

In the early decades of the 20th century, the Turks annihilated the Armenians. They asked the world for help, but got virtually nothing. When Hilter was determined to wipe out the Jews, he referred back to the fact that no one remembered the Armenian genocide.

Saddam Hussein wiped out the Sumerians. The culture no longer exists.

When he lost the 1991 war he agreed as a condition of his surrender to disarm Iraq. He would not. And that is what generated this war.

A million Iranians are dead because of Saddam, 8000 Kurds we know, his own people were gassed to death and his tortures and barbarity continue unabated by international disgust.

It is always easier to do nothing. You know that. But while we stand by, hundreds of thousands of people are being tortured and killed.

Our country moving off the path of diplomacy that it has traveled so long, personally touches me. My brother in law and family live there, in the "Scud Box" zones of Saddam. We speak almost daily about what they will do. But they're some of the lucky ones. They can leave when it gets too close.

I hold simple yet solid beliefs that one can make a difference. I have learned through experience, my own in high school, and with students over the years since, that given opportunity and information you make good decisions.

I came today because my family has been deeply wounded by war. I lost two uncles in WWII. My Uncle Wallace was one of the first Wyoming casualties when the USS *Houston* was sunk. The Japanese took prisoner the other when he was a year older than some of you. Orral survived the cruel Bataan Death March. He was brutally tortured, bayoneted, and his gold tooth removed, left alone and died on the compound dirt.

My family can never forget the horror of war, because it touched us personally.

Yet, in 1960, President Eisenhower chose one of our large fossil fish to be the National Gift of the American People of the Japanese Emperor Hirohito. When our family sat at the kitchen table to discuss whether we should accept the offer given the damage to our family, My Father showed us what courage and forgiveness was about in an eloquent explanation of War and the difficulty of creating peace over time, one family at a time.

The kitchen table was my great spring board, because there we were all allowed our own thoughts, ideas, solutions we were accepted, though often confronted by solid debate and fact. I hope you have a kitchen table, a family that talks and listens for that is the beginning which you carry to friends and school and business and life.

You can be empowered to change public policy or to maintain our policy. The system is simple and works.

Assure we practice mutual respect in our politics because we are largely citizens in all phases, from citizen legislator to citizen soldier.

I urge you to view and digest the remarkable objective coverage of the Free American Press. And seek out the press worldwide. One is always more enlightened by seeking differing views and information.

Be skeptical, but avoid the despair of cynicism. They are very different things.

Question. Ask questions. And listen.

Seek out all sides and all sources before you find your view, and know it may have a spectrum as wide as Wyoming and change as often as Wyoming's weather.

Travel. Travel the country, but more importantly travel the world. You will be enlightened as to how well off we are.

Trust.

Trust that you will find your own truth about these difficult times.

Trust that you will be alright.

Trust that just like those around you now as family, teachers, police, forest rangers, on and on up the system that Americans in leadership positions are decent, honest, and caring—for you, our country, and others.

Know this too, from NY Democrat Charlie Rangel, of the U.S. Congress; when asked about his criticism of the President and policy days before the war he said: "That's what I am elected to do! But let me tell you, when that flag goes up, I salute, I'm there."

When at war observe that partisan politicians cease their partisanship, that parents and brothers and sisters of soldiers, and aviators, and sailors find solitude and prayer to comfort their fear and the choking that comes in the night from knowing that one's child is defending, by fighting with their life, one nation, one people, made up of all the peoples of Earth.

And I close my comment with a quote from my favorite non-warrior Mahatma Gandhi. Said in 1931, "Peace and disarmament are not matter of reciprocity. When real peace and disarmament come, they will be initiated by a strong nation like America irrespective of the consent and cooperation of other nations."

Thank you.

NATIONAL TARTAN DAY

Mr. LOTT. Mr. President, today I rise to commemorate the fifth anniversary of National Tartan Day. While it is observed on April 6 of each year, I make this recognition today because the Senate is not expected to be in session on that date. I want to remind my colleagues that the resolution which establishes National Tartan Day was Senate Resolution 155. It passed by unanimous consent on March 20 of 1998.

As an American of Scottish descent, I appreciate the efforts of the individuals, clan organizations, and all the many other groups who were instrumental in generating support for the resolution. These groups worked diligently to foster national awareness of the important role that Americans of Scottish descent have played in the progress of our country.

The purpose of National Tartan Day is to recognize the contributions that Americans of Scottish ancestry have made to our national heritage. It also recognizes the contributions that Scot-

tish Americans continue to make to our country. I look forward to National Tartan Day as another opportunity to pause and reflect on the role Scottish Americans have played in advancing democracy and freedom. It is my hope that this annual event will continue to grow in prominence, with ceremonies and activities similar to those that have been held over the past few years. Scottish Americans have helped shape this Nation. Their contributions are innumerable. In fact, three-fourths of all American Presidents can trace their roots to Scotland.

In addition to recognizing Americans of Scottish ancestry, National Tartan Day reminds us of the importance of liberty. It honors those who strived for freedom from an oppressive government on April 6, 1320. It was on that day that the Declaration of Arbroath was signed. It is the Scottish Declaration of Independence. This important document served as the model for America's Declaration of Independence.

In demanding their independence from England, the men of Arbroath wrote, "We fight for liberty alone, which no good man loses but with his life." These words are applicable today to the heroism of our American veterans and active duty forces who know the precious cost of fighting for liberty—a fight that is taking place at this moment as a coalition of military forces seeks liberation for the people of Iraq.

Senate Resolution 155 has served as a catalyst for the many States, cities, and counties that have passed similar resolutions recognizing the important contributions of Scottish Americans. I would like to thank all those groups and individuals who have continued the work of reminding the world of the stand for liberty taken on April 6th almost 700 years ago—in Arbroath, Scotland. A call for liberty which still echoes through our history and the history of many nations across the globe.

I believe April 6 can also serve as a day to recognize those nations that have not achieved the principles of freedom which we hold dear, and which we are fighting for even now. The example of the Scotsmen at Arbroath—their courage—their desire for freedom—still serves as a bright beacon today.

ANDEAN COUNTERDRUG INITIATIVE

Mr. GRASSLEY. Mr. President, I want to take a moment to express some concern to the Appropriations Committee about the report language that was included regarding the supplemental request for the Andean Counterdrug Initiative. The Senate report indicates that the committee considers their funding of the President's request as a downpayment on funding for the next fiscal year.

I would like to ask the committee to reconsider taking this position without

a greater examination of both the 2004 request and how the supplemental funding will be used. I believe penalizing the 2004 request because of needed funds today will hamper the effectiveness of this program, particularly when it seems we may be turning the corner.

This request is designed to support our current efforts in Colombia, which are occurring at a significantly higher operational pace than was anticipated when the current fiscal year budget was developed. Since the fiscal year 2004 budget was created, we have seen a wave in urban bombings, the launch of a rescue mission for kidnapped American citizens, a significant increase in the violent attacks against our spray aircraft, and an increase in the violent attacks against President Uribe and other top Colombian officials. These increased threats need to be countered now, and require a revision in the original budget estimates on what will be spent both this fiscal year and next.

The supplemental funding is necessary to continue current operations at their current pace. By including the President's request in this bill, the committee is recognizing this need. But we should not penalize next year's efforts by counting this supplemental appropriations against the 2004 request. I strongly urge the committee to reconsider holding this needed supplemental funding for the Andean Counterdrug Initiative against the fiscal year 2004 request.

TRIBUTE TO GREG MASTEL

Mr. BAUCUS. Mr. President, I rise today to thank Greg Mastel for his work as the Finance Committee's chief trade adviser and chief economist during the 107th Congress.

I asked Greg to rejoin my staff in early 2001 with two specific goals in mind—significantly expanding the Trade Adjustment Assistance Program and reinstating fast-track trade negotiating authority for the President. To me, these are the twin pillars of U.S. trade policy. If the United States was to move beyond the logjam that had stalled progress on trade for nearly a decade, both of these programs needed to be in place.

Thanks in large part to Greg's hard work, both of those goals were achieved.

In August of last year, the President signed into law the Trade Act of 2002. Not only did it restore fast track to the President, it also created the largest expansion of Trade Adjustment Assistance in that program's history. And just for good measure, we renewed and expanded both the Andean Trade Preferences Act and the Generalized System of Preferences.

The Trade Act of 2002 is the most significant piece of trade legislation to come out of the Congress in over a decade. And it would not have happened without the skilled guidance and steady hand that Greg showed every step of the way.

Getting there wasn't easy. There were a lot of long nights and more than a few tense meetings. And for Greg, there were some personal challenges that didn't make the job any easier, but made his performance even more impressive.

Shortly before we went into conference with the House on the Trade Act, Greg suffered a nasty bicycling accident that left him with a broken collarbone, badly bruised ribs, and more sore muscles than I care to think about. But Greg was in the office every day, working through the pain and showing the same good humor that always made him such a pleasure to work with.

At the time, I called Greg "the Lance Armstrong of the Trade World"—although he probably needs to hone those biking skills. I stand by those comments. In conference negotiations, it is always a challenge to bridge the differences between Democrats and Republicans and between the Senate and the House. But to sit in a room negotiating the finer points of U.S. trade policy at 2 in the morning while fighting through the pain of broken collarbone takes a special kind of staffer.

Not only is Greg an expert on trade—he also understands the state of Montana. Greg is a true product of Montana. He grew up on a ranch outside of Missoula, where his childhood pursuits included hunting, camping, and archery. He is a graduate of Hellgate High School in Missoula, where he was a star second baseman on their baseball team.

He has never forgotten his roots in Montana. I have always felt that Greg's experiences back home gave him a feel for policy issues that cannot be learned.

And Greg has a long history with my office. He began as an intern in 1987, and within a few months became my youngest legislative assistance. His formal training as an economist made him a natural for covering international trade issues, vital for a State that depends on exporting its goods and services to markets around the globe. I relied on Greg to assist me with some of the most important issues to Montanans, including beef exports to Japan and wheat exports to China.

At various points, Greg has served as both my legislative director and my chief of staff. In each of these positions, he served with distinction through many years of trying to convince Montanans that trade was necessary and could be beneficial. He came up with the idea of trade missions and helped organize those to Asia and South America. Those missions did more to promote understanding than 100 speeches could have.

Greg also became an expert on U.S. trade laws, including many which he helped to draft. It was a natural that, after leaving my staff in 1994, Greg moved on to a distinguished career in academia and public policy. He is the author of three books dealing with

China, United States trade laws, and WTO negotiations, and has written a column for the *Journal of Commerce*.

Somewhere along the way, Greg and his wife Lois found the time to raise two beautiful children—Alexander and Caroline.

I was lucky to be able to lure him back for the 107th Congress to serve as my chief trade adviser on the Finance Committee.

Greg has been a wonderful friend to me and my staff over the years. I thank him for all of this hard work and wish him the best of luck in all his future endeavors.

TRIBUTE TO VICTOR BAIRD

Mr. VOINOVICH. Mr. President, today I wish to speak on behalf of a man, Victor Baird, who, until recently, had probably one of the most thankless jobs in the Senate—Staff Director and Chief Counsel of the Senate Ethics Committee. In this position, Victor was charged with preserving the integrity of the Senate by policing the conduct of its Members and ensuring that the Senators and their staffs adhered to the Senate's high ethical standards.

The nature of the Ethics Committee is that the work we do remains confidential, except in the most egregious circumstances. Victor faced some of these circumstances and his guidance in steering the committee, the Senate, through them was invaluable. In general, though, most people didn't hear that much about Victor or the work he did in his 16 years on the committee, but to those of who sit on the committee or who have ever sat on the committee, we know that a lack of public exposure for the committee means that Victor was doing his job, and doing it well.

As I mentioned before, Victor was a 16 year veteran of the Senate Ethics Committee. He was first appointed to the committee by Senator Heflin in March 1987. He was acting Staff Director and Chief Counsel from October 1992 until March 1993 and became Staff Director and Chief Counsel from April 1993 until this January.

Before arriving in the Senate, Victor served in the United States Air Force and had a distinguished legal career in Georgia that included serving as an Assistant Attorney General in Georgia, as an Administrative Law Judge for the Georgia Department of Natural Resources, and on the Consumers' Utility Council of Georgia.

Victor's legal acumen, good nature, keen attention to detail, nonpartisan nature, and most of all, his integrity, all contributed to his success in the Senate. He will be missed by many. I thank him for his service to the United States Senate and to his country, and wish him God speed in all his journeys ahead.

TRIBUTE TO ARKANSAS GUARD AND RESERVES

Mrs. LINCOLN. Mr. President, I rise today to pay tribute to the American

troops in the National Guard and Reserves who are placing themselves in harm's way to defend our Nation against the threats of terrorism and rogue states.

As of Wednesday, April 2, 2003, there are 218,931 reservists and guardsmen nationwide activated in the war on terrorism and in Operation Iraqi Freedom. Currently, there are 2,356 Arkansans

activated in the Guard and Reserves, according to the U.S. Department of Defense. I would like to ask that the attached list be printed in the RECORD following my remarks.

The sacrifices that these men and women are making protect our freedoms, defend our liberties, and ensure regional and global stability. We are very proud of each and every one of

them, and we owe all them a tremendous debt of gratitude for their service and for their dedication to their country. We look forward to welcoming them home safely.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Army National Guard (1,258 Arkansans):		
N. Little Rock	State Area Command	4 Guardsmen
Ft. Smith	2nd Battalion, 142nd Field Artillery, HQ	42
Lincoln	2nd Battalion, 142nd Field Artillery, Service Battery	20
Van Buren	2nd Battalion, 142nd Field Artillery, Battery A	72
Siloam Springs	2nd Battalion, 142nd Field Artillery, Battery B	73
Ozark	2nd Battalion, 142nd Field Artillery, Battery C	73
West Memphis	216th Military Police Company	124
N. Little Rock	149th Medical Company	2
Little Rock	343rd Mobile Public Affairs Detachment	7
Ft. Smith	935th Support Battalion	101
N. Little Rock	935th Support Battalion	32
Charleston	296th Medical Company	117
Marked Tree	1123rd Transportation Company	167
N. Little Rock	25th Support Detachment	44
N. Little Rock	114th Aviation Air Traffic Control Battalion	164
N. Little Rock	223rd Regiment (Regional Training Institute)	2
Jonesboro	875th Engineer Battalion	99
Mtn. Home	224th Maintenance Company	215
Army Reserve (794 Arkansans):		
Fayetteville	362nd Psychological Operations Company	67 Reservists
Little Rock	431st Civil Affairs Battalion	140
Little Rock	460th Chemical Brigade	1
Charleston	38th Ordnance Group	56
Little Rock	468th Chemical Battalion	45
N. Little Rock	489th Engineer Battalion	452
Little Rock	90th Regional Support Command	23
Little Rock	112th Chaplain Detachment	2
Little Rock	U.S. Army Engineering Facility Group	8
Air National Guard (172 Arkansans):		
Little Rock	189th Airlift Wing	120 Guardsmen
Fort Smith	188th Airlift Wing	52
Navy Reserves (9 Arkansans):		
Little Rock	Naval Support Activity Bahrain, Detachment C	6 reservists
N. Little Rock	4 MD 3/23 I	3
Marine Reserves (123 Arkansans):		
N. Little Rock	3rd Battalion, 23rd Marines, I Company	120 Reservists
N. Little Rock	Peacetime War Support Team	3

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 14, 2001 in San Francisco, CA. An Australian software engineer was stabbed in the chest by someone who thought his friend, a man of Indian and Hispanic heritage, was an Arab. The victims say the stabbing took place when they were passed by a group while crossing the street. A scuffle ensued when the engineer was punched or bumped by one of the men. The assailant used racial slurs to describe the victims and said, "We don't like Arabs" before stabbing the engineer.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing

current law, we can change hearts and minds as well.

CONGRATULATIONS TO DR. THOMAS FRIST

Mr. ALEXANDER. Mr. President, I would like to congratulate Dr. Thomas F. Frist, Jr., a cofounder of HCA and its former chairman and CEO, on his induction into the Healthcare Hall of Fame. The Healthcare Hall of Fame honors individuals who bring a legacy of enthusiasm, vision, and perseverance to the healthcare industry. I cannot think of a more deserving recipient of this honor.

Dr. Frist began his hospital administrative career shortly after his service as a military flight surgeon. In 1968, he founded HCA in Nashville, with his father, the late Dr. Thomas F. Frist, Sr., and the late Jack C. Massey. In 1977, Dr. Frist became president of HCA and subsequently became chairman, president and chief executive officer in 1987. When HCA merged with Columbia in February 1994, Dr. Frist served as chairman of the board and later as Vice Chairman, following the company's April 1995 merger with HealthTrust Inc. Dr. Frist returned as chairman and CEO of the company in 1997. He was

chairman and CEO until January 2001 and chairman until January 2002.

Not only is Dr. Frist a great physician and hospital administrator, he is also a great benefactor to his hometown of Nashville. He served as vice president of the Vanderbilt University Board of Trust from 1995-1997. He was chairman of the board of Governors of the United Way of America in 1995, and founded the United Way's Alexis de Tocqueville Society. He was the 1999-2000 chair of the Nashville Area Chamber of Commerce. Currently, Dr. Frist is chairman of the board of The Frist Foundation and chairman of the board of the Frist Center for the Visual Arts. Dr. Frist also serves on the board of Montgomery Bell Academy in Nashville and is chairman of the Nashville Healthcare Council's 2002-2003 board of directors.

Dr. Frist is also the brother of our own majority leader, Dr. BILL FRIST, a leader on healthcare issues in the Senate. Dr. Frist's father, the late Dr. Thomas Frist, Sr., was also a member of the Healthcare Hall of Fame. Dr. Frist's induction makes them the first Hall of Fame father-son pair. All of us in Tennessee appreciate Dr. Frist's dedication and great work in the healthcare industry, and I would like

to congratulate him today on this great honor.

RECOGNITION OF THE UMD LADY BULLDOGS FOR WINNING THE 2003 NCAA DIVISION I NATIONAL WOMEN'S ICE HOCKEY CHAMPIONSHIP

Mr. COLEMAN. Mr. President, I am pleased to join my distinguished colleague from Minnesota in recognizing the University of Minnesota Duluth Women's Ice Hockey Team for winning their third straight national championship.

A Stanley Cup-winning professional hockey player said that "when you start a tournament, you stick with it." History has shown that the Lady Bulldogs maintain this same principle. In 2001 at the inaugural Frozen Four, they took on St. Lawrence University and won 4-2. The following year, they made it through the semifinals again, allowing them the opportunity to face Brown University, who they defeated 3-2 for their second title.

They entered this year's national tournament playing Dartmouth College in the semifinals, a game which was tied in the second period before UMD came back to win it 5-2.

Two days later, in the championship, they met No. 2 seeded Harvard University in what has been referred to by some as the best women's college hockey game ever.

Knowing what makes a good hockey game, I would have to agree. There was a near-capacity crowd; a first period ending score of 2-0, with Duluth in the lead; a solid return by Harvard in the second; and a scoreless first overtime, which resulted in a second where sophomore Nora Tallus scored the winning goal at 4 minutes and 19 seconds.

This goal concluded the 84-minute game, giving the Lady Bulldogs their third and probably most memorable title, as it was won at home in front of a near-capacity crowd at the Duluth Entertainment Convention Center.

I am pleased to stand here today, commending the UMD Women's Ice Hockey Team for winning the 2003 NCAA Division I National Collegiate Women's Ice Hockey Championship and recognizing the achievements of all the team's players, coaches, and staff.

THE POSTAL PENSION LIABILITY ACT, S. 380

Mr. SUNUNU. Mr. President, I am pleased that the Senate has taken action to pass S. 380, the Postal Pension Liability Act.

I would like to thank my colleagues on the Governmental Affairs Committee for their effort in getting this bill passed, particularly Senator COLLINS and Senator LIEBERMAN, chairman and ranking member, respectively, as well as Senator STEVENS and Senator CARPER, who have provided tremendous leadership in getting this bill through the Senate.

As my colleagues may know, the U.S. Postal Service, USPS, is required to pay into the Civil Service Retirement System, CSRS, an amount that equals the full cost of its obligation to CSRS. While the Postal Service has done so, the money it has placed into this account has earned interest at a higher rate than previously thought. Thus, the Office of Personnel Management estimated in November that the pension obligations for the USPS totaled \$5 billion and not a previously estimated \$32 billion.

This bill would correct the formula that overpays the Postal Service's obligation to the civil service retirement fund. In addition, this bill would stabilize postage rates through 2006 and help the Postal Service to pay down some of its debt. Stable postage rates will help keep shipping costs down as well as the indirect cost of all consumer goods.

Without this bill, the U.S. Postal Service would continue to overfund its contribution to the Civil Service Retirement System fund. If it had not been evaluated and corrected, the overpayment could have reached tens of billions of dollars in the decades ahead.

Mr. President, as a cosponsor of S. 380, I am pleased with the bipartisan manner in which the Senate has acted to pass this much-needed bill. This spirit of cooperation is truly in the best interest of the American people.

RETIRED OFFICERS' COMMENTARY

Mr. WARNER. Mr. President, there has been much discussion here in the Senate and in the press about retired military officers who have been appearing in the media throughout the coverage of the diplomatic efforts and the actual military operations to end the global threat posed by Saddam Hussein and his weapons of mass destruction.

My own opinion is that most of these retired officers have, in a very fair, constructive, helpful way, interpreted the complexity of modern military operations, the highly technical range of military equipment, and have conveyed their positive observations of the courage and professionalism of our men and women in uniform—from the generals to the privates.

In most presentations, these retired officers have shown professional responsibility and prudent restraint in giving their views and interpretations. But a few have added personal criticisms over the planning and execution of Operation Iraqi Freedom.

Professionals in the military have devoted their careers to protecting our Constitutional freedoms. Among the most cherished of these is freedom of speech. But that freedom has its legal, as well as ethical, restraints, and requires the exercise of good judgment, common sense, and taking into account the likely impact of their criticisms on servicemen and their families.

By and large, the retired officers have, through their careers of

dedicated service, earned the admiration of the general public. Consequently, a special trust is accorded them by the families, the parents, the grandparents of those serving in uniform. Quite often, the families take to heart what they say, even more so than the views of others.

If retired officers have professional views and judgments at variance with the active duty chain of command, they are, like all Americans, free to speak their mind. But how to do it—publicly or privately?

They have ample opportunity to convey their views to their former colleagues—today's military commanders—through private channels, and I know many do so through a variety of forums and through personal communications. Before making critical public statements during the course of military operations, I hope they carefully consider the consequences of such statements and recall how they, and their families, felt about unexpected public criticism when they were in the "trenches of conflict."

The tradition followed by Presidents, especially in times of conflict, is a worthy precedent. A sitting President customarily receives the views of past Commanders in Chief by way of private communication rather than through the media.

Mr. President, I expressed these points to members of the media after a Capitol Hill meeting Tuesday evening with Secretary Rumsfeld and General Meyers, and I ask unanimous consent that the excerpted text of my remarks at that news conference, and those of the general, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM TRANSCRIPT, NEWS CONFERENCE WITH SECRETARY OF DEFENSE DONALD RUMSFELD; GENERAL RICHARD MYERS, CHAIRMAN, JOINT CHIEFS OF STAFF; SENATOR JOHN WARNER (R-VA); REPRESENTATIVE DUNCAN HUNTER (R-CA)

Sen. WARNER.—We covered that very carefully. The general gave us a complete briefing. And I think, Duncan, I believe you will join with me, the consensus in our group just now is that a good plan has been in place, it is being executed. It is timely. Considerable progress has been made to date. And we see no reason at this time for anyone to be in criticism of this program.

And I want to talk a little bit about this retired military. I've been associated with the military a half-century or more. I think some of them have in a very constructive way interpreted the complexity of military operations today and the equipment, and I think they have done a good job in portraying the courage shown by the men and women who are executing this plan.

And if some have criticisms, we don't mean to stifle freedom of speech, but I think they should follow the tradition of President, the Commander in Chiefs. You do not see former Presidents criticizing a sitting President during a war. And in the same way, if they've got constructive criticism at variance with the plan, I think they should confidentially contact their own peers in the Pentagon and share it that way rather than open.

Question: But Senator Warner, what about current commanders? It is reported this morning, Army—(inaudible)—Army colonel—(inaudible)—concerned about doing this war—(inaudible)—not bring enough—(inaudible)—

Sen. WARNER. Well, there's always, during any conflict, going back to George Washington, complaints among his forces. I have personally been involved in the wars in Korea, and Vietnam, and Panama, and Somalia—and I could go on for a few more, and I think Duncan, you've been in them—but that's all right, we'll take that in stride. I'm more concerned about the very senior officers who by virtue of their training and experience have a lot of credibility, and I think that if they have criticism, fine. Call up the chairman—

General RICHARD MYERS. You bet.

Sen. WARNER: You'd take the call?

Gen. MYERS: Absolutely.

ADDITIONAL STATEMENTS

TRIBUTE TO SACRED HEART ACADEMY

• Mr. BUNNING. Mr. President, today I pay tribute to the Sacred Heart Academy in Louisville, KY. Their basketball team won their second straight Sweet 16 girls title last night.

Sacred Heart won their second straight Sweet 16 title after defeating Lexington Catholic 42-40. Sacred Heart is the first team in over 25 years to repeat as state champions. Their win last night was their 62nd straight victory against in-state competition.

The citizens of Louisville, KY should be proud to have Sacred Heart Academy basketball team living and learning in their community. Their example of hard work and determination should be followed by all in the Commonwealth.

I would like to congratulate the members of the basketball team for their success, along with Crystal Kelly for being named the tournament's MVP. But also, I want to congratulate their coach, Donna Moir, along with their peers, faculty, administrator, and parents for their support and sacrifices they've made to help meet those achievements and dreams.●

TRIBUTE TO BILL CANARY

• Mr. SHELBY. Mr. President, I rise today to pay tribute to a dear friend, William Canary, of Montgomery, AL. Bill Canary was recently name president of the Business Council of Alabama.

While he now calls Montgomery, AL, home, Bill is a native of New York and attended the State University of New York at Oneonta. He also holds a juris doctorate degree from the Jacob D. Fuchsberg Law Center at Touro College.

Bill came to BCA from the American Trucking Association, the national trade and safety organization of the U.S. trucking industry. He began his career at ATA nearly a decade ago, serving as counselor to the AT presi-

dent and CEO, Thomas J. Donohue. Over the years, he served ATA in various capacities including political advisor to the president and senior vice president for State, Federation and Intergovernmental Affairs. In 2001, the ATA board of directors named him their president and CEO.

Prior to his service at the ATA, Bill served as a Special Assistant to President George H.W. Bush for Intergovernmental Affairs. From January 1989 through June 1991, Bill served the White House as the President's liaison to local elected officials and mayors throughout the Nation.

Bill has also served as chief of staff for the Republican National Committee and as national political director for the Committee to Re-Elect President Bush. During the 2000 Republican National Convention he served as a senior advisor to the co-chairman, Andrew Card, currently chief of staff to President George W. Bush.

He is the coauthor of the public research product "The Alabama Poll," and is a writer, commentator, and political analyst for several Alabama television programs.

In 2001, I was proud to recommend Bill's wife Leura to serve as the U.S. attorney for the Middle District of Alabama. Leura has served in this position with distinction. Bill and Leura have a daughter, Margaret, and a son, Will.

Bill Canary is a good friend and a beloved family man. I offer him my congratulations and best wishes in his new role as president of BCA.●

MESSAGE FROM THE HOUSE

At 11:58 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 522. An act to reform the Federal deposit insurance system, and for other purposes.

H.R. 743. an act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 522. An act to reform the Federal deposit insurance system, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

H.R. 743. An act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and

were referred or ordered to lie on the table as indicated:

POM-72. A concurrent resolution by the House of the Legislature of the State of New Hampshire relative to a peaceful and rapid resolution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION 16

Whereas, the people of the former Princely State of Jammu and Kashmir have for the past 55 years been subjected to documented and unspeakable human rights abuses, including the execution of civilians, the rape and burning of women, the immolation and mutilation of children, the deliberate shelling of civilians by military artillery, and the torture and murder of political detainees; and

Whereas, 2 wars between India and Pakistan, in 1965 and 1971, failed to justly resolve either the issue of self-determination or the ongoing and egregious violations of human rights; and

Whereas, the threat of nuclear war between India and Pakistan has reached unprecedented levels because of the volatility of the issues attendant to the accession of Kashmir; and

Whereas, resolution of this conflict, the cessation of atrocities, and the reduction of the threat of nuclear war is unquestionably in the best interests of the people of the state of New Hampshire, the United States of America, and the world community of nations: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the New Hampshire general court, fully mindful of the sacred obligation embodied in our state motto, "Live Free or Die," respectfully requests that the United States Senate and the United States House of Representatives immediately initiate hearings to discern all relevant facts and circumstances attendant to the Kashmiri conflict so as to facilitate its just, peaceful, and rapid resolution; to bring a cessation of atrocities against the people of Jammu and Kashmir; and to minimize the threat of nuclear war in Southwest Asia; and

That the New Hampshire general court hereby calls upon all parties to this conflict to adhere to the principles of the United Nations Charter on Human Rights forthwith, and grant observers from Amnesty International and Human Rights Watch free and unrestricted access to the entire State of Jammu and Kashmir to monitor the status of human rights therein; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and the New Hampshire congressional delegation.

POM-73. A concurrent resolution adopted by the Legislature of the State of Michigan relative to federal transit funding for highways and transit programs; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 1

Whereas, Michigan faces a difficult task in maintaining a transportation network that meets the many needs of the individuals and businesses of this state. This challenge is made more difficult because of the fact that Michigan receives in return from the federal government far less in highway funding than we send to Washington; and

Whereas, under the provisions of the Transportation Equity Act for the 21st Century, Michigan currently receives approximately 90.5 cents in return for every highway dollar we send to the federal government. While this is a notable improvement

from the amounts received in prior years, it remains inadequate for our state's considerable overall transportation needs. In the area of transit, the deficiency of funding received from Washington is much more severe, with Michigan receiving only about 50 cents for each dollar we send through taxes; and

Whereas, this shortfall will present significant problems to certain aspects of our transportation infrastructure. As discussions take place on future funding mechanisms and the next federal transportation funding bill, it is imperative that a fairer approach be developed: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That we memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-74. A resolution adopted by the Senate of the State of Michigan relative to the United States Coast Guard Cutter Bramble; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 21

Whereas, Since its launch in 1943, the United States Coast Guard Cutter Bramble has served our nation in a variety of capacities. Following its six decades of service, the 180-foot buoy tender is scheduled for decommissioning in the spring of 2003; and

Whereas, The people of Port Huron, the home port of the Bramble since 1975, feel a strong sense of identity with the vessel. As a result, local citizens are working hard to make the cutter a permanent educational and historical resource of Port Huron by securing title and ownership for the Port Huron Museum of Arts and History. Members of the community have expressed a commitment to renovating the Bramble for its new role and maintaining it for the future; and

Whereas, The history of the missions undertaken by the Bramble will serve as a visible reminder of the many ways the Coast Guard serves our nation. The cutter's work during World War II, its journey through Arctic waters and the Bering Straits to the Atlantic in 1957, and its long years working to secure navigation and safety along the Great Lakes will provide invaluable lessons for visitors, especially children; and

Whereas, Legislation has been introduced in Congress to provide for the Coast Guard to convey the Bramble to the Port Huron Museum of Arts and History after decommissioning: Now, therefore, be it

Resolved by the senate, That we memorialize the Congress of the United States to enact legislation to provide for the United States Coast Guard to transfer ownership of the decommissioned Coast Guard Cutter Bramble to the Port Huron Museum of Arts and History; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-75. A concurrent resolution adopted by the Legislature of the State of South Dakota relative to memorializing the Congress to refrain from acquiring certain additional land for Wind Cave National Park; to the

Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 1019

Whereas, the United States Congress is considering legislation to add more than 5,500 acres to Wind Cave National Park; and

Whereas, Wind Cave National Park, located in the southern Black Hills, is the location of one of the longest and most complex cave systems in the United States and includes 28,000 acres of mixed-grass prairies and pine forests that provide habitat for bison, deer, elk, and many other species; and

Whereas, the proposed addition would involve the purchase of similar adjacent, private land; and

Whereas, residents of Custer and Fall River counties by a large margin do not support the proposed purchase of additional property for Wind Cave National Park; and

Whereas, the proposed purchase would reduce property tax revenues to Custer County and the Hot Springs School District, and federal payments in lieu of taxes would not be sufficient to make up for the loss; and

Whereas, the National Park Service prohibits hunting in Wind Cave National Park and would prohibit hunting in the additional areas to be purchased, and the National Park Service does not have a strong record in the area of wildlife management; and

Whereas, the purchase price for the proposed additional acres is higher than warranted and would drive the price of land in the area beyond the reach of agricultural producers: Now, therefore, be it

Resolved, by the House of Representatives of the Seventy-eighth Legislature of the State of South Dakota, the Senate concurring therein, That the South Dakota Legislature does not support the proposed purchase of additional land for an expansion of Wind Cave National Park currently under consideration by the United States Congress. The Legislature urges Congress to refrain from making the purchase and to allocate the resources intended for the purchase to more appropriate purposes.

POM-76. A concurrent resolution adopted by the Parish of Ascension of the State of Louisiana relative to establishing a national energy policy; to the Committee on Energy and Natural Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Noe Hinojosa, Jr., of Texas, to be a Director of the Securities Investor Protection Corporation.

*Noe Hinojosa, Jr., of Texas, to be a Director of the Securities Investor Protection Corporation.

*Thomas Waters Grant, of New York, to be a Director of the Securities Investor Protection Corporation.

*William Robert Timken, Jr., of Ohio, to be a Director of the Securities Investor Protection Corporation.

*William Robert Timken, Jr., of Ohio, to be a Director of the Securities Investor Protection Corporation.

*Alfred Plamann, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

By Mr. HATCH for the Committee on the Judiciary.

Edward C. Prado, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Dee D. Drell, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Richard D. Bennett, of Maryland, to be United States District Judge for the District of Maryland.

Raul David Bejarano, of California, to be United States Marshal for the Southern District of California for the term of four years.

Allen Garber, of Minnesota, to be United States Marshal for the District of Minnesota for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 774. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 775. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make private, nonprofit medical facilities that serve industry-specific clients eligible for hazard mitigation and disaster assistance; to the Committee on Environment and Public Works.

By Mr. CAMPBELL:

S. 776. A bill to amend chapters 83 and 84 of title 5, United States Code, to authorize payments to certain trusts under the Social Security Act, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INHOFE (for himself and Mr. BAUCUS):

S. 777. A bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAGEL (for himself, Mr. ENSIGN, Mr. LUGAR, and Mr. INHOFE):

S. 778. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with a drug discount card that ensures access to affordable prescription drugs; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. LAUTENBERG, Mr. GRAHAM of Florida, and Mr. LIEBERMAN):

S. 779. A bill to amend the Federal Water Pollution Control Act to improve protection of treatment works from terrorist and other harmful and intentional acts, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LOTT (for himself and Mr. COCHRAN):

S. 780. A bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LOTT (for himself and Mr. BREAU):

S. 781. A bill to restore balance to the membership of the Gulf of Mexico Fisheries Management Council; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM of South Carolina:

S. 782. A bill to amend the National Labor Relations Act to provide for inflation adjustments to the mandatory jurisdiction thresholds of the National Labor Relations Board; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 783. A bill to expedite the granting of posthumous citizenship to members of the United States Armed Forces; to the Committee on the Judiciary.

By Mr. McCAIN:

S. 784. A bill to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. COLEMAN, Mr. HARKIN, Mr. CRAIG, Mr. JOHNSON, Mr. BURNS, Mr. DORGAN, Mr. ROBERTS, Mr. DAYTON, Mr. FITZGERALD, Mrs. LINCOLN, Mr. COCHRAN, Mr. HAGEL, Mr. CONRAD, and Mr. HATCH):

S. 785. A bill to amend the Internal Revenue Code of 1986 to allow the payment of dividends on the stock of cooperatives without reducing patronage dividends; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. ROCKEFELLER, and Mr. BREAU):

S. 786. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to provide grants for transitional jobs programs, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. KERRY):

S. 787. A bill to provide for the fair treatment of the Federal judiciary relating to compensation and benefits, and to instill greater public confidence in the Federal courts; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. BROWNBACK, Mr. ROCKEFELLER, Mr. INOUE, Ms. CANTWELL, and Mr. KERRY):

S. 788. A bill to enable the United States to maintain its leadership in aeronautics and aviation; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida (for himself and Mrs. BOXER):

S. 789. A bill to change the requirements for naturalization through service in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. LUGAR:

S. 790. A bill to authorize appropriations for the Department of State for fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes; to the Committee on Foreign Relations.

By Mr. INHOFE (for himself, Mr. VOINOVICH, and Mr. TALENT):

S. 791. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DAYTON (for himself and Mr. COLEMAN):

S. Res. 104. A resolution commending the University of Minnesota Duluth Bulldogs for

winning the 2002-2003 National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 6, a bill to enhance homeland security and for other purposes.

S. 237

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 237, a bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption from the minimum wage and overtime compensation requirements of that Act for certain construction engineering and design professionals.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 269

At the request of Mr. JEFFORDS, the names of the Senator from Louisiana (Mr. BREAU) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 387

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 387, a bill to amend title XVIII of the Social Security Act to extend the eligibility periods for geriatric graduate medical education, to permit the expansion of medical residency training programs in geriatric medicine, to provide for reimbursement of care coordination and assessment services provided under the medicare program, and for other purposes.

S. 442

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 442, a bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes.

S. 460

At the request of Mrs. FEINSTEIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 460, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2004 through 2010 to carry out the State Criminal Alien Assistance Program.

S. 461

At the request of Mr. DORGAN, the name of the Senator from Michigan

(Mr. LEVIN) was added as a cosponsor of S. 461, a bill to establish a program to promote hydrogen fuel cells, and for other purposes.

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 518

At the request of Ms. COLLINS, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. HARKIN) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 560

At the request of Mr. CRAIG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 580

At the request of Mr. LUGAR, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 580, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Russia.

S. 595

At the request of Mr. HATCH, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Carolina (Mrs. DOLE), the Senator from Michigan (Ms. STABENOW) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 607

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 607, a bill to improve patient access to health care services and provide

improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 636

At the request of Ms. COLLINS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 636, a bill to amend title XVIII of the Social Security Act to provide for a permanent increase in medicare payments for home health services that are furnished in rural areas.

S. 645

At the request of Mr. LEVIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Hawaii (Mr. INOUE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 645, a bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites.

S. 646

At the request of Mr. CORZINE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 646, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 648

At the request of Mr. REED, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 648, a bill to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy.

S. 709

At the request of Mrs. DOLE, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 709, a bill to award a congressional gold medal to Prime Minister Tony Blair.

S. 731

At the request of Mr. BIDEN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 731, a bill to prohibit fraud and related activity in connection with authentication features, and for other purposes.

S. 750

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 750, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 755

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 755, a bill to amend the

Internal Revenue Code of 1986 to provide a uniform definition of child, and for other purposes.

S. 760

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 760, a bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.

S. 771

At the request of Mr. BIDEN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 771, a bill to improve the investigation and prosecution of child abuse cases through Children Advocacy Centers.

S. 773

At the request of Mr. LEAHY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 773, a bill to reauthorize funding for the National Center for Missing and Exploited Children, and for other purposes.

S.J. RES. 1

At the request of Mr. KYL, the names of the Senator from Ohio (Mr. DEWINE), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

S. CON. RES. 31

At the request of Mr. LIEBERMAN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. Con. Res. 31, a concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

S. CON. RES. 32

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 32, a concurrent resolution expressing the sense of Congress regarding the protection of religious sites and the freedom of access and worship.

S. RES. 74

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 74, a resolution to amend rule XLII of the Standing Rules of the Senate to prohibit employment discrimination in the Senate based on sexual orientation.

S. RES. 97

At the request of Mr. NELSON of Florida, the name of the Senator from

North Carolina (Mr. EDWARDS) was added as a cosponsor of S. Res. 97, a resolution expressing the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban Government.

AMENDMENT NO. 436

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 436 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 439

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 439 intended to be proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 439

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 439 intended to be proposed to S. 762, *supra*.

AMENDMENT NO. 440

At the request of Mr. AKAKA, his name was added as a cosponsor of amendment No. 440 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 441

At the request of Mr. LEAHY, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from California (Mrs. BOXER), the Senator from Nevada (Mr. ENSIGN), the Senator from Michigan (Ms. STABENOW), the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 441 intended to be proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 449

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of amendment No. 449 intended to be proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 451

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 451 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 455

At the request of Mr. KOHL, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from North Dakota (Mr. DORGAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Minnesota (Mr. DAYTON), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. DASCHLE), the Senator from Montana (Mr. BAUCUS), the Senator from Missouri (Mr. TALENT), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Maryland (Ms. MIKULSKI) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of amendment No. 455 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 459

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 459 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 459

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 459 proposed to S. 762, *supra*.

AMENDMENT NO. 459

At the request of Mr. GRAHAM of Florida, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 459 proposed to S. 762, *supra*.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 774. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to once again introduce legislation to simplify and restore fairness to the tax accounting rules under which our six major U.S. naval shipyards determine their tax liability on the naval ship contracts they are awarded by the Navy.

Quite simply, this legislation would permit naval shipyards to use a method of accounting under which shipbuilders would pay income taxes upon delivery of a ship rather than during construction. Under current law, profits must be estimated during the construction phases of the shipbuilding process and taxes must be paid on those estimated profits, a process known as the "Percent of Completion Method" of accounting.

The major shortcoming of this method is that shipbuilders must report progress payments as "revenue" rather than as a source of financing, which had been recognized and permitted for the 64 years between 1918 and 1982. Additionally, it creates a "legal fiction" of an "interim profit," when in reality a profit or loss is not reasonably known until after a ship is completed. This places a financial burden on shipbuilders during the critical construction phase; reduces the resources available to invest in facilities and processes to reduce construction costs; places a burden on the cash flow management of the shipbuilder; and weakens the financial health of the defense shipbuilding industrial base.

The legislation being proposed would simply allow naval shipbuilders and their team members to use a modified "Completed Contract Method" of accounting, under which the shipbuilder would pay taxes when the ship is actually delivered to the Navy. In other words, the delivery of each ship would be treated as the completion of the contract for "Completed Contract" purposes, regardless of how many ships are built under a contract.

Prior to 1982, Federal law permitted shipbuilders to use this method but the law was changed due to abuses by Federal contractors in another sector, having absolutely nothing to do with shipbuilding. Moreover, non-government shipbuilding contracts are already allowed to use this method of accounting, and this legislation contains provisions designed to prevent the types of abuses witnessed in the past. Specifically, the bill would restrict shipyards from deferring tax payments for a period beyond the time it takes to build a single ship.

This bill would not reduce the amount of taxes ultimately paid by the shipbuilder. It simply would defer payment until the profit is actually known upon delivery of the ship. I believe that this is the most fair and most sensible accounting method. It is the method that naval shipbuilders employed in the past. It is the method which commercial builders are permitted to use to this day. This legislation has the strong support of the major shipyards that build for the Navy. As such, I strongly urge my colleagues to join me in a strong show of support for this effort.

By Mrs. FEINSTEIN:

S. 775. A bill to amend the Robert T. Stafford Disaster Relief and Emer-

gency Assistance Act to make private, nonprofit medical facilities that serve industry-specific clients eligible for hazard mitigation and disaster assistance; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a bill that would allow private, non-profit medical facilities which service industry-specific clients to be eligible for hazard mitigation and disaster assistance. Under the current law, institutions such as these are limited in their ability to receive the Federal funds needed for both preparedness and response in the case of emergencies.

In particular, I speak today of the Motion Picture & Television, MPTF, Hospital, located in the earthquake-prone San Fernando Valley. Set up more than 80 years ago to provide members of the entertainment industry with vital medical care and social services, the MPTF Hospital is the only institution of its kind in the United States.

With an acute care hospital, six outpatient facilities staffed with primary care physicians, a children's center, retirement facilities, and programs for the elderly, the MPTF Hospital provides comprehensive care for a significant sector of the population of the greater Los Angeles community. It is the only non-profit institution providing industry-specific health and human services to the entertainment industry and to the general public.

This legislation is important because in the aftermath of the Northridge Earthquake of 1994, considered one of the worst natural disasters in U.S. history, the MPTF Hospital was unable to receive federal assistance to repair structural and equipment damages suffered from the earthquake. Furthermore, that same year, the California Senate enacted legislation requiring all hospitals to be seismically retrofitted by 2010. The costs of both the reparations and structural upgrades are enormous, and the MPTF Hospital cannot receive federal funds because as an institution serving an industry-specific clientele, it does not qualify under the current definition of a "private, nonprofit facility" within the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, Stafford Act.

To address this problem, this legislation broadens that definition to include tax-exempt facilities that provide medical services to specific occupational or industry segments of the general public.

Under this change, facilities such as the MPTF Hospital would have the opportunity to apply for federal assistance under the Stafford Act, alongside other private, nonprofit institutions.

There is no up-front cost stemming from this amendment to the Stafford Act. This bill simply puts the MPTF Hospital on equal footing with other critical care facilities when applying for Federal disaster assistance.

This legislation is timely and necessary. Hospitals such as the MPTF deserve an opportunity to apply for Federal funding, and desperately need this financial assistance in order to both meet California's 2010 deadline for seismic retrofitting and respond adequately to future disasters. I call on this body to enact this legislation promptly.

By Mr. CAMPBELL:

S. 776. A bill to amend chapters 83 and 84 of title 5, United States Code, to authorize payments to certain trusts under the Social Security Act, and for other purposes; to the Committee on Governmental Affairs.

Mr. CAMPBELL. Mr. President, today I am introducing legislation that would amend Title V of the United States Code. It authorizes the Office of Personnel Management, OPM, to make payments to a disability trust or a pooled trust which is set up for a disabled dependent of a Federal worker in a way that would allow him or her to continue to receive Medicaid benefits.

My bill would put disabled dependents of federal workers on a par with disabled dependents of those in the private sector. In 1993, Congress passed a statute allowing disabled persons to have trusts. And, in 1999, the Supplemental Security Income, SSI, statute was amended to conform with the basic Medicaid law. But, as current law is interpreted, these protective trusts cannot be set up for disabled dependents of federal workers in a way that allows them to keep their other benefits.

This oversight can cause devastating and confusing circumstances for disabled dependents and their guardians. In Colorado, Lisa Neikirk, a Downs Syndrome child, became entitled to a small civil service retirement annuity from her father when he died in 1994. This benefit in the amount of \$310 per month was just high enough to push her off SSI and Medicaid and she lost her benefits at that time.

Because Congress had recently passed a Medicaid statute allowing disabled people to have trusts, Lisa's mother created a trust for her. However, the Social Security Administration took the position that OPM statutes do not permit Lisa's benefit to be assigned to a trust without negating her Medicaid benefits. The Social Security Administration accepts these trusts with other assets but the OPM statute preexisted the 1993 law and would not allow benefits to be assigned to these trusts without this change. Lisa's situation is only one of several such cases throughout the country.

The bill I am introducing would grant to OPM the discretion to pay a retirement annuity to a disability trust which is set up for a person in a way which would allow them to continue to receive Medicaid benefits. This policy change has been very carefully drafted so that it cannot be abused. It stipulates a trust that is qualified

under Medicaid law and adheres to two Medicaid statutes.

I believe it is important that we better protect disabled children of Federal workers. We need to make it clear that disabled dependents of Federal workers are protected by laws that now protect people in the private sector. In today's uncertain world, I believe dependents of federal workers need all the protection that is available to them under the law. We must not let outdated federal statutes put federal workers and their dependents at a disadvantage.

This legislation provides another step toward making our laws fair for the disabled in our country. I urge my colleagues to support its passage.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF CERTAIN PAYMENTS UNDER THE CIVIL SERVICE RETIREMENT SYSTEM AND THE FEDERAL EMPLOYEES RETIREMENT SYSTEM TO CERTAIN TRUSTS UNDER THE SOCIAL SECURITY ACT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) PAYMENTS.—Section 8345(e) of title 5, United States Code, is amended in the first sentence by inserting before the period “, or is a trustee under a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C))”.

(2) ASSIGNABILITY OF PAYMENTS.—Section 8346(a) of title 5, United States Code, is amended by striking “except under” and inserting “except to a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C)) or under”.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) PAYMENTS.—Section 8466(c) of title 5, United States Code, is amended in the first sentence by inserting before the period “, or is a trustee under a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C))”.

(2) ASSIGNABILITY OF PAYMENTS.—Section 8470(a) of title 5, United States Code, is amended by striking “except under” and inserting “except to a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C)) or under”.

By Mr. INHOFE (for himself and Mr. BAUCUS):

S. 777. A bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. INHOFE. Mr. President, I rise today to introduce a bill to make the Impact Aid Program a Federal entitlement.

Impact Aid is one of the oldest Federal education programs, dating from the 1950's, and is meant to compensate a local school district for financial

losses resulting from Federal properties or lands in that district. Congress met its obligation of fully funding Impact Aid until the 1970's. When the funding was cut in 1971, many districts that greatly depend on Impact Aid began to suffer. In the past few years, the Impact Aid payment formula has become increasingly complex, causing great funding disparities for the same types of students in different districts.

I have consistently supported increased appropriations for Impact Aid because it not only provides an essential revenue source for impacted districts, but it is also a Federal obligation. Often, close to 90 percent of a local school's funding is comprised of the local tax base. When the presence of the Federal Government in a community takes away from this tax base, we must compensate for this loss. When we do not fulfill our obligation by adequately funding Impact Aid, our children suffer the consequence such as lower test scores, lower attendance rates, crowded classrooms, and fewer and older facilities.

Although funding for Impact Aid has increased over the past few years, it still remains under-funded. Today, I am taking the first step to correct this inequity. My bill will require Congress to meet its duty to these children and schools that have been under-funded for so long. I urge my colleagues to join me in fulfilling our obligation by permanently fully funding the Impact Aid program.

Mr. BAUCUS. Mr. President, I rise today to join my friend and colleague Senator INHOFE in introducing a bill that will make a real difference in schools on or near military bases, Indian reservations, and other Federal lands. Our bill will make the Impact Aid Program a Federal entitlement.

We require public schools to accept all children from military families and tribal reservations. It is the right thing to do. But families in Federal housing or on reservations do not pay local property taxes, a traditional revenue source for school districts. While Impact Aid was designed to make up the difference, we have not met our obligation to public schools. Instead, we have let the Impact Aid Program fall prey to the annual appropriations process. This means that payments to Impact Aid schools are never guaranteed, are usually underfunded, and rarely arrive on time. In fact, Impact Aid has not been fully funded since the early 1980s. The result of this underfunding can be seen in Impact Aid schools in States across the country. Schools are cutting programs and staff, not buying new books and materials, and deferring maintenance on buildings to help cover classroom costs. As a result, schools like Hays Lodge Pole School in Montana cannot teach their students and maintain their school facility; in the last couple of years, the Hays Lodge Pole School has been susceptible to electrical fires and other structural hazards.

I am so proud of the students, teachers, and administrators that learn and work in our Impact Aid districts. They have gone above and beyond to make due with scant resources. In many cases, however, we have stretched school districts to the breaking point. We have an obligation to our schools and the students. We can and must do better than we have in the past.

The bill that Senator INHOFE and I are introducing today will make a difference. It requires the Federal Government to meet its obligation to these schools. As a result, districts will know when and how much they will receive. The guesswork will vanish, and school leaders will be able to focus on student achievement instead of budget games.

I recognize that creating a Federal entitlement program is not an easy task. But Impact Aid is not like other discretionary programs. It was set up to compensate school districts for the "substantial and continuing financial burden resulting from Federal activities." It is not a program that supplements local programming. It is the only game in town, and when we do not meet our Federal obligation, there is no other program to pick up the slack. Other Federal education programs, such as title I, supplement insufficient local resources.

Importantly, Impact Aid is a Federal program that addresses Federal needs. Our bill recognizes that providing Impact Aid resources on time and in full helps federally impacted students learn and achieve. It also recognizes that Impact Aid funds are better spent in our schools than on plane tickets and expenses for Impact Aid officials to come to Washington to fight for dollars that they inherently deserve.

Finally, I want to say a little about my personal perspective on education. I honestly believe there is nothing more important than giving our children the best opportunities to succeed in life. That is a principle I hold very deeply. Nothing we can do for our children will make a bigger difference in their lives than giving them a solid education. Education provides greater advantages in the workplace, and greater personal enrichment; both of which lead to future personal and professional success. I have always believed that a quality public education system is not only the right of every child, but also the key to smart economic development. The investments we make in our education system today will provide our children with the skills and knowledge to be successful in the 21st century economy.

Our bill recognizes the importance of education and makes sure that our federally impacted school districts receive the money they deserve. More importantly, our bill makes sure that students in federally impacted schools will have an education that will prepare them for personal and professional success.

By Mr. HAGEL (for himself, Mr. ENSIGN, Mr. LUGAR, and Mr. INHOFE):

S. 778. A bill to amend title XVII of the Social Security Act to provide medicare beneficiaries with a drug discount card that ensure access to affordable prescription drugs; to the Committee on Finance.

Mr. HAGEL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Rx Drug Discount and Security Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Voluntary Medicare Prescription Drug Discount and Security Program.

"PART D—VOLUNTARY MEDICARE PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM

"Sec. 1860. Definitions.

"Sec. 1860A. Establishment of program.

"Sec. 1860B. Enrollment.

"Sec. 1860C. Providing enrollment and coverage information to beneficiaries.

"Sec. 1860D. Enrollee protections.

"Sec. 1860E. Annual enrollment fee.

"Sec. 1860F. Benefits under the program.

"Sec. 1860G. Requirements for entities to provide prescription drug coverage.

"Sec. 1860H. Payments to eligible entities for administering the catastrophic benefit.

"Sec. 1860I. Determination of income levels.

"Sec. 1860J. Appropriations.

"Sec. 1860K. Medicare Competition and Prescription Drug Advisory Board."

Sec. 3. Administration of Voluntary Medicare Prescription Drug Discount and Security Program.

Sec. 4. Exclusion of part D costs from determination of part B monthly premium.

Sec. 5. Medigap revisions.

SEC. 2. VOLUNTARY MEDICARE PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(1) by redesignating part D as part E; and
(2) by inserting after part C the following new part:

"PART D—VOLUNTARY MEDICARE PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM

"DEFINITIONS

"SEC. 1860. In this part:

"(1) COVERED DRUG.—

"(A) IN GENERAL.—Except as provided in this paragraph, the term 'covered drug' means—

"(i) a drug that may be dispensed only upon a prescription and that is described in subparagraph (A)(i) or (A)(ii) of section 1927(k)(2); or

"(ii) a biological product described in clauses (i) through (iii) of subparagraph (B)

of such section or insulin described in subparagraph (C) of such section,

and such term includes a vaccine licensed under section 351 of the Public Health Service Act and any use of a covered drug for a medically accepted indication (as defined in section 1927(k)(6)).

"(B) EXCLUSIONS.—

"(i) IN GENERAL.—Such term does not include drugs or classes of drugs, or their medical uses, which may be excluded from coverage or otherwise restricted under section 1927(d)(2), other than subparagraph (E) thereof (relating to smoking cessation agents), or under section 1927(d)(3).

"(ii) AVOIDANCE OF DUPLICATE COVERAGE.—A drug prescribed for an individual that would otherwise be a covered drug under this part shall not be so considered if payment for such drug is available under part A or B for an individual entitled to benefits under part A and enrolled under part B.

"(C) APPLICATION OF FORMULARY RESTRICTIONS.—A drug prescribed for an individual that would otherwise be a covered drug under this part shall not be so considered under a plan if the plan excludes the drug under a formulary and such exclusion is not successfully appealed under section 1860D(a)(4)(B).

"(D) APPLICATION OF GENERAL EXCLUSION PROVISIONS.—A prescription drug discount card plan or Medicare+Choice plan may exclude from qualified prescription drug coverage any covered drug—

"(i) for which payment would not be made if section 1862(a) applied to part D; or

"(ii) which are not prescribed in accordance with the plan or this part.

Such exclusions are determinations subject to reconsideration and appeal pursuant to section 1860D(a)(4).

"(2) ELIGIBLE BENEFICIARY.—The term 'eligible beneficiary' means an individual who is—

"(A) eligible for benefits under part A or enrolled under part B; and

"(B) not eligible for prescription drug coverage under a State plan under the medicaid program under title XIX.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means any—

"(A) pharmaceutical benefit management company;

"(B) wholesale pharmacy delivery system;

"(C) retail pharmacy delivery system;

"(D) insurer (including any issuer of a medicare supplemental policy under section 1882);

"(E) Medicare+Choice organization;

"(F) State (in conjunction with a pharmaceutical benefit management company);

"(G) employer-sponsored plan;

"(H) other entity that the Secretary determines to be appropriate to provide benefits under this part; or

"(I) combination of the entities described in subparagraphs (A) through (H).

"(4) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services.

"ESTABLISHMENT OF PROGRAM

"SEC. 1860A. (a) PROVISION OF BENEFIT.—The Secretary shall establish a Medicare Prescription Drug Discount and Security Program under which the Secretary endorses prescription drug card plans offered by eligible entities in which eligible beneficiaries

may voluntarily enroll and receive benefits under this part.

“(b) ENDORSEMENT OF PRESCRIPTION DRUG DISCOUNT CARD PLANS.—

“(1) IN GENERAL.—The Secretary shall endorse a prescription drug card plan offered by an eligible entity with a contract under this part if the eligible entity meets the requirements of this part with respect to that plan.

“(2) NATIONAL PLANS.—In addition to other types of plans, the Secretary may endorse national prescription drug plans under paragraph (1).

“(c) VOLUNTARY NATURE OF PROGRAM.—Nothing in this part shall be construed as requiring an eligible beneficiary to enroll in the program under this part.

“(d) FINANCING.—The costs of providing benefits under this part shall be payable from the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

“ENROLLMENT

“SEC. 1860B. (a) ENROLLMENT UNDER PART D.—

“(1) ESTABLISHMENT OF PROCESS.—

“(A) IN GENERAL.—The Secretary shall establish a process through which an eligible beneficiary (including an eligible beneficiary enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization) may make an election to enroll under this part. Except as otherwise provided in this subsection, such process shall be similar to the process for enrollment under part B under section 1837.

“(B) REQUIREMENT OF ENROLLMENT.—An eligible beneficiary must enroll under this part in order to be eligible to receive the benefits under this part.

“(2) ENROLLMENT PERIODS.—

“(A) IN GENERAL.—Except as provided in this paragraph, an eligible beneficiary may not enroll in the program under this part during any period after the beneficiary's initial enrollment period under part B (as determined under section 1837).

“(B) SPECIAL ENROLLMENT PERIOD.—In the case of eligible beneficiaries that have recently lost eligibility for prescription drug coverage under a State plan under the medicare program under title XIX, the Secretary shall establish a special enrollment period in which such beneficiaries may enroll under this part.

“(C) OPEN ENROLLMENT PERIOD IN 2004 FOR CURRENT BENEFICIARIES.—The Secretary shall establish a period, which shall begin on the date on which the Secretary first begins to accept elections for enrollment under this part, during which any eligible beneficiary may—

“(i) enroll under this part; or

“(ii) enroll or reenroll under this part after having previously declined or terminated such enrollment.

“(3) PERIOD OF COVERAGE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) and subject to subparagraph (C), an eligible beneficiary's coverage under the program under this part shall be effective for the period provided under section 1838, as if that section applied to the program under this part.

“(B) ENROLLMENT DURING OPEN AND SPECIAL ENROLLMENT.—Subject to subparagraph (C), an eligible beneficiary who enrolls under the program under this part under subparagraph (B) or (C) of paragraph (2) shall be entitled to the benefits under this part beginning on the first day of the month following the month in which such enrollment occurs.

“(4) PART D COVERAGE TERMINATED BY TERMINATION OF COVERAGE UNDER PARTS A AND B OR ELIGIBILITY FOR MEDICAL ASSISTANCE.—

“(A) IN GENERAL.—In addition to the causes of termination specified in section

1838, the Secretary shall terminate an individual's coverage under this part if the individual is—

“(i) no longer enrolled in part A or B; or

“(ii) eligible for prescription drug coverage under a State plan under the medicaid program under title XIX.

“(B) EFFECTIVE DATE.—The termination described in subparagraph (A) shall be effective on the effective date of—

“(i) the termination of coverage under part A or (if later) under part B; or

“(ii) the coverage under title XIX.

“(b) ENROLLMENT WITH ELIGIBLE ENTITY.—

“(1) PROCESS.—The Secretary shall establish a process through which an eligible beneficiary who is enrolled under this part shall make an annual election to enroll in a prescription drug card plan offered by an eligible entity that has been awarded a contract under this part and serves the geographic area in which the beneficiary resides.

“(2) ELECTION PERIODS.—

“(A) IN GENERAL.—Except as provided in this paragraph, the election periods under this subsection shall be the same as the coverage election periods under the Medicare+Choice program under section 1851(e), including—

“(i) annual coordinated election periods; and

“(ii) special election periods.

In applying the last sentence of section 1851(e)(4) (relating to discontinuance of a Medicare+Choice election during the first year of eligibility) under this subparagraph, in the case of an election described in such section in which the individual had elected or is provided qualified prescription drug coverage at the time of such first enrollment, the individual shall be permitted to enroll in a prescription drug card plan under this part at the time of the election of coverage under the original fee-for-service plan.

“(B) INITIAL ELECTION PERIODS.—

“(i) INDIVIDUALS CURRENTLY COVERED.—In the case of an individual who is entitled to benefits under part A or enrolled under part B as of November 1, 2004, there shall be an initial election period of 6 months beginning on that date.

“(ii) INDIVIDUAL COVERED IN FUTURE.—In the case of an individual who is first entitled to benefits under part A or enrolled under part B after such date, there shall be an initial election period which is the same as the initial enrollment period under section 1837(d).

“(C) ADDITIONAL SPECIAL ELECTION PERIODS.—The Administrator shall establish special election periods—

“(i) in cases of individuals who have and involuntarily lose prescription drug coverage described in paragraph (3);

“(ii) in cases described in section 1837(h) (relating to errors in enrollment), in the same manner as such section applies to part B; and

“(iii) in the case of an individual who meets such exceptional conditions (including conditions provided under section 1851(e)(4)(D)) as the Secretary may provide.

“(D) ENROLLMENT WITH ONE PLAN ONLY.—The rules established under subparagraph (B) shall ensure that an eligible beneficiary may only enroll in 1 prescription drug card plan offered by an eligible entity per year.

“(3) MEDICARE+CHOICE ENROLLEES.—An eligible beneficiary who is enrolled under this part and enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization must enroll in a prescription drug discount card plan offered by an eligible entity in order to receive benefits under this part. The beneficiary may elect to receive such benefits through the Medicare+Choice organization in which the beneficiary is enrolled if

the organization has been awarded a contract under this part.

“(4) CONTINUOUS PRESCRIPTION DRUG COVERAGE.—An individual is considered for purposes of this part to be maintaining continuous prescription drug coverage on and after the date the individual first qualifies to elect prescription drug coverage under this part if the individual establishes that as of such date the individual is covered under any of the following prescription drug coverage and before the date that is the last day of the 63-day period that begins on the date of termination of the particular prescription drug coverage involved (regardless of whether the individual subsequently obtains any of the following prescription drug coverage):

“(A) COVERAGE UNDER PRESCRIPTION DRUG CARD PLAN OR MEDICARE+CHOICE PLAN.—Prescription drug coverage under a prescription drug card plan under this part or under a Medicare+Choice plan.

“(B) MEDICAID PRESCRIPTION DRUG COVERAGE.—Prescription drug coverage under a medicaid plan under title XIX, including through the Program of All-inclusive Care for the Elderly (PACE) under section 1934, through a social health maintenance organization (referred to in section 4104(c) of the Balanced Budget Act of 1997), or through a Medicare+Choice project that demonstrates the application of capitation payment rates for frail elderly medicare beneficiaries through the use of an interdisciplinary team and through the provision of primary care services to such beneficiaries by means of such a team at the nursing facility involved.

“(C) PRESCRIPTION DRUG COVERAGE UNDER GROUP HEALTH PLAN.—Any prescription drug coverage under a group health plan, including a health benefits plan under the Federal Employees Health Benefit Plan under chapter 89 of title 5, United States Code, and a qualified retiree prescription drug plan (as defined by the Secretary), but only if (subject to subparagraph (E)(ii)) the coverage provides benefits at least equivalent to the benefits under a prescription drug card plan under this part.

“(D) PRESCRIPTION DRUG COVERAGE UNDER CERTAIN MEDIGAP POLICIES.—Coverage under a medicare supplemental policy under section 1882 that provides benefits for prescription drugs (whether or not such coverage conforms to the standards for packages of benefits under section 1882(p)(1)) and if (subject to subparagraph (E)(ii)) the coverage provides benefits at least equivalent to the benefits under a prescription drug card plan under this part.

“(E) STATE PHARMACEUTICAL ASSISTANCE PROGRAM.—Coverage of prescription drugs under a State pharmaceutical assistance program, but only if (subject to subparagraph (E)(ii)) the coverage provides benefits at least equivalent to the benefits under a prescription drug card plan under this part.

“(F) VETERANS' COVERAGE OF PRESCRIPTION DRUGS.—Coverage of prescription drugs for veterans under chapter 17 of title 38, United States Code, but only if (subject to subparagraph (E)(ii)) the coverage provides benefits at least equivalent to the benefits under a prescription drug card plan under this part.

For purposes of carrying out this paragraph, the certifications of the type described in sections 2701(e) of the Public Health Service Act and in section 9801(e) of the Internal Revenue Code of 1986 shall also include a statement for the period of coverage of whether the individual involved had prescription drug coverage described in this paragraph.

“(5) COMPETITION.—Each eligible entity with a contract under this part shall compete for the enrollment of beneficiaries in a prescription drug card plan offered by the entity on the basis of discounts, formularies,

pharmacy networks, and other services provided for under the contract.

“PROVIDING ENROLLMENT AND COVERAGE INFORMATION TO BENEFICIARIES

“SEC. 1860C. (a) ACTIVITIES.—The Secretary shall provide for activities under this part to broadly disseminate information to eligible beneficiaries (and prospective eligible beneficiaries) regarding enrollment under this part and the prescription drug card plans offered by eligible entities with a contract under this part.

“(b) SPECIAL RULE FOR FIRST ENROLLMENT UNDER THE PROGRAM.—To the extent practicable, the activities described in subsection (a) shall ensure that eligible beneficiaries are provided with such information at least 60 days prior to the first enrollment period described in section 1860B(c).

“ENROLLEE PROTECTIONS

“SEC. 1860D. (a) REQUIREMENTS FOR ALL ELIGIBLE ENTITIES.—Each eligible entity shall meet the following requirements:

“(1) GUARANTEED ISSUANCE AND NON-DISCRIMINATION.—

“(A) GUARANTEED ISSUANCE.—

“(i) IN GENERAL.—An eligible beneficiary who is eligible to enroll in a prescription drug card plan offered by an eligible entity under section 1860B(b) for prescription drug coverage under this part at a time during which elections are accepted under this part with respect to the coverage shall not be denied enrollment based on any health status-related factor (described in section 2702(a)(1) of the Public Health Service Act) or any other factor.

“(ii) MEDICARE+CHOICE LIMITATIONS PERMITTED.—The provisions of paragraphs (2) and (3) (other than subparagraph (C)(i), relating to default enrollment) of section 1851(g) (relating to priority and limitation on termination of election) shall apply to eligible entities under this subsection.

“(B) NONDISCRIMINATION.—An eligible entity offering prescription drug coverage under this part shall not establish a service area in a manner that would discriminate based on health or economic status of potential enrollees.

“(2) DISCLOSURE OF INFORMATION.—

“(A) INFORMATION.—

“(i) GENERAL INFORMATION.—Each eligible entity with a contract under this part to provide a prescription drug card plan shall disclose, in a clear, accurate, and standardized form to each eligible beneficiary enrolled in a prescription drug discount card program offered by such entity under this part at the time of enrollment and at least annually thereafter, the information described in section 1852(c)(1) relating to such prescription drug coverage.

“(ii) SPECIFIC INFORMATION.—In addition to the information described in clause (i), each eligible entity with a contract under this part shall disclose the following:

“(I) How enrollees will have access to covered drugs, including access to such drugs through pharmacy networks.

“(II) How any formulary used by the eligible entity functions.

“(III) Information on grievance and appeals procedures.

“(IV) Information on enrollment fees and prices charged to the enrollee for covered drugs.

“(V) Any other information that the Secretary determines is necessary to promote informed choices by eligible beneficiaries among eligible entities.

“(B) DISCLOSURE UPON REQUEST OF GENERAL COVERAGE, UTILIZATION, AND GRIEVANCE INFORMATION.—Upon request of an eligible beneficiary, the eligible entity shall provide the information described in paragraph (3) to such beneficiary.

“(C) RESPONSE TO BENEFICIARY QUESTIONS.—Each eligible entity offering a prescription drug discount card plan under this part shall have a mechanism for providing specific information to enrollees upon request. The entity shall make available, through an Internet website and, upon request, in writing, information on specific changes in its formulary.

“(3) GRIEVANCE MECHANISM, COVERAGE DETERMINATIONS, AND RECONSIDERATIONS.—

“(A) IN GENERAL.—With respect to the benefit under this part, each eligible entity offering a prescription drug discount card plan shall provide meaningful procedures for hearing and resolving grievances between the organization (including any entity or individual through which the eligible entity provides covered benefits) and enrollees with prescription drug card plans of the eligible entity under this part in accordance with section 1852(f).

“(B) APPLICATION OF COVERAGE DETERMINATION AND RECONSIDERATION PROVISIONS.—Each eligible entity shall meet the requirements of paragraphs (1) through (3) of section 1852(g) with respect to covered benefits under the prescription drug card plan it offers under this part in the same manner as such requirements apply to a Medicare+Choice organization with respect to benefits it offers under a Medicare+Choice plan under part C.

“(C) REQUEST FOR REVIEW OF TIERED FORMULARY DETERMINATIONS.—In the case of a prescription drug card plan offered by an eligible entity that provides for tiered cost-sharing for drugs included within a formulary and provides lower cost-sharing for preferred drugs included within the formulary, an individual who is enrolled in the plan may request coverage of a nonpreferred drug under the terms applicable for preferred drugs if the prescribing physician determines that the preferred drug for treatment of the same condition is not as effective for the individual or has adverse effects for the individual.

“(4) APPEALS.—

“(A) IN GENERAL.—Subject to subparagraph (B), each eligible entity offering a prescription drug card plan shall meet the requirements of paragraphs (4) and (5) of section 1852(g) with respect to drugs not included on any formulary in the same manner as such requirements apply to a Medicare+Choice organization with respect to benefits it offers under a Medicare+Choice plan under part C.

“(B) FORMULARY DETERMINATIONS.—An individual who is enrolled in a prescription drug card plan offered by an eligible entity may appeal to obtain coverage under this part for a covered drug that is not on a formulary of the eligible entity if the prescribing physician determines that the formulary drug for treatment of the same condition is not as effective for the individual or has adverse effects for the individual.

“(5) CONFIDENTIALITY AND ACCURACY OF ENROLLEE RECORDS.—Each eligible entity offering a prescription drug discount card plan shall meet the requirements of the Health Insurance Portability and Accountability Act of 1996.

“(b) ELIGIBLE ENTITIES OFFERING A DISCOUNT CARD PROGRAM.—If an eligible entity offers a discount card program under this part, in addition to the requirements under subsection (a), the entity shall meet the following requirements:

“(1) ACCESS TO COVERED BENEFITS.—

“(A) ASSURING PHARMACY ACCESS.—

“(i) IN GENERAL.—The eligible entity offering the prescription drug discount card plan shall secure the participation in its network of a sufficient number of pharmacies that dispense (other than by mail order) drugs directly to patients to ensure convenient access (as determined by the Secretary and in-

cluding adequate emergency access) for enrolled beneficiaries, in accordance with standards established under section 1860D(a)(3) that ensure such convenient access.

“(ii) USE OF POINT-OF-SERVICE SYSTEM.—Each eligible entity offering a prescription drug discount card plan shall establish an optional point-of-service method of operation under which—

“(I) the plan provides access to any or all pharmacies that are not participating pharmacies in its network; and

“(II) discounts under the plan may not be available.

The additional copayments so charged shall not be counted as out-of-pocket expenses for purposes of section 1860F(b).

“(B) USE OF STANDARDIZED TECHNOLOGY.—

“(i) IN GENERAL.—Each eligible entity offering a prescription drug discount card plan shall issue (and reissue, as appropriate) such a card (or other technology) that may be used by an enrolled beneficiary to assure access to negotiated prices under section 1860F(a) for the purchase of prescription drugs for which coverage is not otherwise provided under the prescription drug discount card plan.

“(ii) STANDARDS.—The Secretary shall provide for the development of national standards relating to a standardized format for the card or other technology referred to in clause (i). Such standards shall be compatible with standards established under part C of title XI.

“(C) REQUIREMENTS ON DEVELOPMENT AND APPLICATION OF FORMULARIES.—If an eligible entity that offers a prescription drug discount card plan uses a formulary, the following requirements must be met:

“(i) PHARMACY AND THERAPEUTIC (P&T) COMMITTEE.—The eligible entity must establish a pharmacy and therapeutic committee that develops and reviews the formulary. Such committee shall include at least 1 physician and at least 1 pharmacist both with expertise in the care of elderly or disabled persons and a majority of its members shall consist of individuals who are a physician or a practicing pharmacist (or both).

“(ii) FORMULARY DEVELOPMENT.—In developing and reviewing the formulary, the committee shall base clinical decisions on the strength of scientific evidence and standards of practice, including assessing peer-reviewed medical literature, such as randomized clinical trials, pharmacoeconomic studies, outcomes research data, and such other information as the committee determines to be appropriate.

“(iii) INCLUSION OF DRUGS IN ALL THERAPEUTIC CATEGORIES.—The formulary must include drugs within each therapeutic category and class of covered drugs (although not necessarily for all drugs within such categories and classes).

“(iv) PROVIDER EDUCATION.—The committee shall establish policies and procedures to educate and inform health care providers concerning the formulary.

“(v) NOTICE BEFORE REMOVING DRUGS FROM FORMULARY.—Any removal of a drug from a formulary shall take effect only after appropriate notice is made available to beneficiaries and physicians.

“(vi) GRIEVANCES AND APPEALS RELATING TO APPLICATION OF FORMULARIES.—For provisions relating to grievances and appeals of coverage, see paragraphs (3) and (4) of section 1860D(a).

“(2) COST AND UTILIZATION MANAGEMENT; QUALITY ASSURANCE; MEDICATION THERAPY MANAGEMENT PROGRAM.—

“(A) IN GENERAL.—Each eligible entity offering a prescription drug discount card plan shall have in place with respect to covered drugs—

“(i) an effective cost and drug utilization management program, including medically appropriate incentives to use generic drugs and therapeutic interchange, when appropriate;

“(ii) quality assurance measures and systems to reduce medical errors and adverse drug interactions, including a medication therapy management program described in subparagraph (B); and

“(iii) a program to control fraud, abuse, and waste.

Nothing in this section shall be construed as impairing an eligible entity from applying cost management tools (including differential payments) under all methods of operation.

“(B) MEDICATION THERAPY MANAGEMENT PROGRAM.—

“(i) IN GENERAL.—A medication therapy management program described in this paragraph is a program of drug therapy management and medication administration that is designed to ensure, with respect to beneficiaries with chronic diseases (such as diabetes, asthma, hypertension, and congestive heart failure) or multiple prescriptions, that covered drugs under the prescription drug discount card plan are appropriately used to achieve therapeutic goals and reduce the risk of adverse events, including adverse drug interactions.

“(ii) ELEMENTS.—Such program may include—

“(I) enhanced beneficiary understanding of such appropriate use through beneficiary education, counseling, and other appropriate means;

“(II) increased beneficiary adherence with prescription medication regimens through medication refill reminders, special packaging, and other appropriate means; and

“(III) detection of patterns of overuse and underuse of prescription drugs.

“(iii) DEVELOPMENT OF PROGRAM IN CO-OPERATION WITH LICENSED PHARMACISTS.—The program shall be developed in cooperation with licensed pharmacists and physicians.

“(iv) CONSIDERATIONS IN PHARMACY FEES.—Each eligible entity offering a prescription drug discount card plan shall take into account, in establishing fees for pharmacists and others providing services under the medication therapy management program, the resources and time used in implementing the program.

“(C) TREATMENT OF ACCREDITATION.—Section 1852(e)(4) (relating to treatment of accreditation) shall apply to prescription drug discount card plans under this part with respect to the following requirements, in the same manner as they apply to Medicare+Choice plans under part C with respect to the requirements described in a clause of section 1852(e)(4)(B):

“(i) Paragraph (1) (including quality assurance), including any medication therapy management program under paragraph (2).

“(ii) Subsection (c)(1) (relating to access to covered benefits).

“(iii) Subsection (g) (relating to confidentiality and accuracy of enrollee records).

“(D) PUBLIC DISCLOSURE OF PHARMACEUTICAL PRICES FOR EQUIVALENT DRUGS.—Each eligible entity offering a prescription drug discount card plan shall provide that each pharmacy or other dispenser that arranges for the dispensing of a covered drug shall inform the beneficiary at the time of purchase of the drug of any differential between the price of the prescribed drug to the enrollee and the price of the lowest cost drug covered under the plan that is therapeutically equivalent and bioequivalent.

“ANNUAL ENROLLMENT FEE

“SEC. 1860E. (a) AMOUNT.—

“(1) IN GENERAL.—Except as provided in subsection (c), enrollment under the program under this part is conditioned upon payment of an annual enrollment fee of \$25.

“(2) ANNUAL PERCENTAGE INCREASE.—

“(A) IN GENERAL.—In the case of any calendar year beginning after 2005, the dollar amount in paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount; multiplied by

“(ii) the inflation adjustment.

“(B) INFLATION ADJUSTMENT.—For purposes of subparagraph (A)(ii), the inflation adjustment for any calendar year is the percentage (if any) by which—

“(i) the average per capita aggregate expenditures for covered drugs in the United States for medicare beneficiaries, as determined by the Secretary for the 12-month period ending in July of the previous year; exceeds

“(ii) such aggregate expenditures for the 12-month period ending with July 2004.

“(C) ROUNDING.—If any increase determined under clause (ii) is not a multiple of \$1, such increase shall be rounded to the nearest multiple of \$1.

“(b) COLLECTION OF ANNUAL ENROLLMENT FEE.—

“(1) IN GENERAL.—Unless the eligible beneficiary makes an election under paragraph (2), the annual enrollment fee described in subsection (a) shall be collected and credited to the Federal Supplementary Medical Insurance Trust Fund in the same manner as the monthly premium determined under section 1839 is collected and credited to such Trust Fund under section 1840.

“(2) DIRECT PAYMENT.—An eligible beneficiary may elect to pay the annual enrollment fee directly or in any other manner approved by the Secretary. The Secretary shall establish procedures for making such an election.

“(c) WAIVER.—The Secretary shall waive the enrollment fee described in subsection (a) in the case of an eligible beneficiary whose income is below 200 percent of the poverty line.

“BENEFITS UNDER THE PROGRAM

“SEC. 1860F. (a) ACCESS TO NEGOTIATED PRICES.—

“(1) NEGOTIATED PRICES.—

“(A) IN GENERAL.—Subject to subparagraph (B), each prescription drug card plan offering a discount card program by an eligible entity with a contract under this part shall provide each eligible beneficiary enrolled in such plan with access to negotiated prices (including applicable discounts) for such prescription drugs as the eligible entity determines appropriate. Such discounts may include discounts for nonformulary drugs. If such a beneficiary becomes eligible for the catastrophic benefit under subsection (b), the negotiated prices (including applicable discounts) shall continue to be available to the beneficiary for those prescription drugs for which payment may not be made under section 1860H(b). For purposes of this subparagraph, the term ‘prescription drugs’ is not limited to covered drugs, but does not include any over-the-counter drug that is not a covered drug.

“(B) LIMITATIONS.—

“(i) FORMULARY RESTRICTIONS.—Insofar as an eligible entity with a contract under this part uses a formulary, the negotiated prices (including applicable discounts) for nonformulary drugs may differ.

“(ii) AVOIDANCE OF DUPLICATE COVERAGE.—The negotiated prices (including applicable discounts) for prescription drugs shall not be available for any drug prescribed for an eligible beneficiary if payment for the drug is available under part A or B (but such negotiated prices shall be available if payment

under part A or B is not available because the beneficiary has not met the deductible or has exhausted benefits under part A or B).

“(2) DISCOUNT CARD.—The Secretary shall develop a uniform standard card format to be issued by each eligible entity offering a prescription drug discount card plan that shall be used by an enrolled beneficiary to ensure the access of such beneficiary to negotiated prices under paragraph (1).

“(3) ENSURING DISCOUNTS IN ALL AREAS.—The Secretary shall develop procedures that ensure that each eligible beneficiary that resides in an area where no prescription drug discount card plans are available is provided with access to negotiated prices for prescription drugs (including applicable discounts).

“(b) CATASTROPHIC BENEFIT.—

“(1) TEN PERCENT COST-SHARING.—Subject to any formulary used by the prescription drug discount card program in which the eligible beneficiary is enrolled, the catastrophic benefit shall provide benefits with cost-sharing that is equal to 10 percent of the negotiated price (taking into account any applicable discounts) of each drug dispensed to such beneficiary after the beneficiary has incurred costs (as described in paragraph (3)) for covered drugs in a year equal to the applicable annual out-of-pocket limit specified in paragraph (2).

“(2) ANNUAL OUT-OF-POCKET LIMITS.—For purposes of this part, the annual out-of-pocket limits specified in this paragraph are as follows:

“(A) BENEFICIARIES WITH ANNUAL INCOMES BELOW 200 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose income (as determined under section 1860I) is below 200 percent of the poverty line, the annual out-of-pocket limit is equal to \$1,500.

“(B) BENEFICIARIES WITH ANNUAL INCOMES BETWEEN 200 AND 400 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose income (as so determined) equals or exceeds 200 percent, but does not exceed 400 percent, of the poverty line, the annual out-of-pocket limit is equal to \$3,500.

“(C) BENEFICIARIES WITH ANNUAL INCOMES BETWEEN 400 AND 600 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose income (as so determined) equals or exceeds 400 percent, but does not exceed 600 percent, of the poverty line, the annual out-of-pocket limit is equal to \$5,500.

“(D) BENEFICIARIES WITH ANNUAL INCOMES THAT EXCEED 600 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose income (as so determined) equals or exceeds 600 percent of the poverty line, the annual out-of-pocket limit is an amount equal to 20 percent of that beneficiary's income for that year (rounded to the nearest multiple of \$1).

“(3) APPLICATION.—In applying paragraph (2), incurred costs shall only include those expenses for covered drugs that are incurred by the eligible beneficiary using a card approved by the Secretary under this part that are paid by that beneficiary and for which the beneficiary is not reimbursed (through insurance or otherwise) by another person.

“(4) ANNUAL PERCENTAGE INCREASE.—

“(A) IN GENERAL.—In the case of any calendar year after 2005, the dollar amounts in subparagraphs (A), (B), and (C) of paragraph (2) shall be increased by an amount equal to—

“(i) such dollar amount; multiplied by

“(ii) the inflation adjustment determined under section 1860E(a)(2)(B) for such calendar year.

“(B) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of \$1, such increase shall be rounded to the nearest multiple of \$1.

“(5) ELIGIBLE ENTITY NOT AT FINANCIAL RISK FOR CATASTROPHIC BENEFIT.—

“(A) IN GENERAL.—The Secretary, and not the eligible entity, shall be at financial risk for the provision of the catastrophic benefit under this subsection.

“(B) PROVISIONS RELATING TO PAYMENTS TO ELIGIBLE ENTITIES.—For provisions relating to payments to eligible entities for administering the catastrophic benefit under this subsection, see section 1860H.

“(6) ENSURING CATASTROPHIC BENEFIT IN ALL AREAS.—The Secretary shall develop procedures for the provision of the catastrophic benefit under this subsection to each eligible beneficiary that resides in an area where there are no prescription drug discount card plans offered that have been awarded a contract under this part.

“REQUIREMENTS FOR ENTITIES TO PROVIDE PRESCRIPTION DRUG COVERAGE

“SEC. 1860G. (a) ESTABLISHMENT OF BIDDING PROCESS.—The Secretary shall establish a process under which the Secretary accepts bids from eligible entities and awards contracts to the entities to provide the benefits under this part to eligible beneficiaries in an area.

“(b) SUBMISSION OF BIDS.—Each eligible entity desiring to enter into a contract under this part shall submit a bid to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(c) ADMINISTRATIVE FEE BID.—

“(1) SUBMISSION.—For the bid described in subsection (b), each entity shall submit to the Secretary information regarding administration of the discount card and catastrophic benefit under this part.

“(2) BID SUBMISSION REQUIREMENTS.—

“(A) ADMINISTRATIVE FEE BID SUBMISSION.—In submitting bids, the entities shall include separate costs for administering the discount card component, if applicable, and the catastrophic benefit. The entity shall submit the administrative fee bid in a form and manner specified by the Secretary, and shall include a statement of projected enrollment and a separate statement of the projected administrative costs for at least the following functions:

“(i) Enrollment, including income eligibility determination.

“(ii) Claims processing.

“(iii) Quality assurance, including drug utilization review.

“(iv) Beneficiary and pharmacy customer service.

“(v) Coordination of benefits.

“(vi) Fraud and abuse prevention.

“(B) NEGOTIATED ADMINISTRATIVE FEE BID AMOUNTS.—The Secretary has the authority to negotiate regarding the bid amounts submitted. The Secretary may reject a bid if the Secretary determines it is not supported by the administrative cost information provided in the bid as specified in subparagraph (A).

“(C) PAYMENT TO PLANS BASED ON ADMINISTRATIVE FEE BID AMOUNTS.—The Secretary shall use the bid amounts to calculate a benchmark amount consisting of the enrollment-weighted average of all bids for each function and each class of entity. The class of entity is either a regional or national entity, or such other classes as the Secretary may determine to be appropriate. The functions are the discount card and catastrophic components. If an eligible entity's combined bid for both functions is above the combined benchmark within the entity's class for the functions, the eligible entity shall collect additional necessary revenue through 1 or both of the following:

“(i) Additional fees charged to the beneficiary, not to exceed \$25 annually.

“(ii) Use of rebate amounts from drug manufacturers to defray administrative costs.

“(d) AWARDING OF CONTRACTS.—

“(1) IN GENERAL.—The Secretary shall, consistent with the requirements of this part and the goal of containing medicare program costs, award at least 2 contracts in each area, unless only 1 bidding entity meets the terms and conditions specified by the Secretary under paragraph (2).

“(2) TERMS AND CONDITIONS.—The Secretary shall not award a contract to an eligible entity under this section unless the Secretary finds that the eligible entity is in compliance with such terms and conditions as the Secretary shall specify.

“(3) REQUIREMENTS FOR ELIGIBLE ENTITIES PROVIDING DISCOUNT CARD PROGRAM.—Except as provided in subsection (e), in determining which of the eligible entities that submitted bids that meet the terms and conditions specified by the Secretary under paragraph (2) to award a contract, the Secretary shall consider whether the bid submitted by the entity meets at least the following requirements:

“(A) LEVEL OF SAVINGS TO MEDICARE BENEFICIARIES.—The program passes on to medicare beneficiaries who enroll in the program discounts on prescription drugs, including discounts negotiated with manufacturers.

“(B) PROHIBITION ON APPLICATION ONLY TO MAIL ORDER.—The program applies to drugs that are available other than solely through mail order and provides convenient access to retail pharmacies.

“(C) LEVEL OF BENEFICIARY SERVICES.—The program provides pharmaceutical support services, such as education and services to prevent adverse drug interactions.

“(D) ADEQUACY OF INFORMATION.—The program makes available to medicare beneficiaries through the Internet and otherwise information, including information on enrollment fees, prices charged to beneficiaries, and services offered under the program, that the Secretary identifies as being necessary to provide for informed choice by beneficiaries among endorsed programs.

“(E) EXTENT OF DEMONSTRATED EXPERIENCE.—The entity operating the program has demonstrated experience and expertise in operating such a program or a similar program.

“(F) EXTENT OF QUALITY ASSURANCE.—The entity has in place adequate procedures for assuring quality service under the program.

“(G) OPERATION OF ASSISTANCE PROGRAM.—The entity meets such requirements relating to solvency, compliance with financial reporting requirements, audit compliance, and contractual guarantees as specified by the Secretary.

“(H) PRIVACY COMPLIANCE.—The entity implements policies and procedures to safeguard the use and disclosure of program beneficiaries' individually identifiable health information in a manner consistent with the Federal regulations (concerning the privacy of individually identifiable health information) promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

“(I) ADDITIONAL BENEFICIARY PROTECTIONS.—The program meets such additional requirements as the Secretary identifies to protect and promote the interest of medicare beneficiaries, including requirements that ensure that beneficiaries are not charged more than the lower of the negotiated retail price or the usual and customary price.

The prices negotiated by a prescription drug discount card program endorsed under this section shall (notwithstanding any other provision of law) not be taken into account for the purposes of establishing the best price under section 1927(c)(1)(C).

“(4) BENEFICIARY ACCESS TO SAVINGS AND REBATES.—The Secretary shall require eligible entities offering a discount card program to pass on savings and rebates negotiated

with manufacturers to eligible beneficiaries enrolled with the entity.

“(5) NEGOTIATED AGREEMENTS WITH EMPLOYER-SPONSORED PLANS.—Notwithstanding any other provision of this part, the Secretary may negotiate agreements with employer-sponsored plans under which eligible beneficiaries are provided with a benefit for prescription drug coverage that is more generous than the benefit that would otherwise have been available under this part if such an agreement results in cost savings to the Federal Government.

“(e) REQUIREMENTS FOR OTHER ELIGIBLE ENTITIES.—An eligible entity that is licensed under State law to provide the health insurance benefits under this section shall be required to meet the requirements of subsection (d)(3). If an eligible entity offers a national plan, such entity shall not be required to meet the requirements of subsection (d)(3), but shall meet the requirements of Employee Retirement Income Security Act of 1974 that apply with respect to such plan.

“PAYMENTS TO ELIGIBLE ENTITIES FOR ADMINISTERING THE CATASTROPHIC BENEFIT

“SEC. 1860H. (a) IN GENERAL.—The Secretary may establish procedures for making payments to an eligible entity under a contract entered into under this part for—

“(1) the costs of providing covered drugs to beneficiaries eligible for the benefit under this part in accordance with subsection (b) minus the amount of any cost-sharing collected by the eligible entity under section 1860F(b); and

“(2) costs incurred by the entity in administering the catastrophic benefit in accordance with section 1860G.

“(b) PAYMENT FOR COVERED DRUGS.—

“(1) IN GENERAL.—Except as provided in subsection (c) and subject to paragraph (2), the Secretary may only pay an eligible entity for covered drugs furnished by the eligible entity to an eligible beneficiary enrolled with such entity under this part that is eligible for the catastrophic benefit under section 1860F(b).

“(2) LIMITATIONS.—

“(A) FORMULARY RESTRICTIONS.—Insofar as an eligible entity with a contract under this part uses a formulary, the Secretary may not make any payment for a covered drug that is not included in such formulary, except to the extent provided under section 1860D(a)(4)(B).

“(B) NEGOTIATED PRICES.—The Secretary may not pay an amount for a covered drug furnished to an eligible beneficiary that exceeds the negotiated price (including applicable discounts) that the beneficiary would have been responsible for under section 1860F(a) or the price negotiated for insurance coverage under the Medicare+Choice program under part C, a medicare supplemental policy, employer-sponsored coverage, or a State plan.

“(C) COST-SHARING LIMITATIONS.—An eligible entity may not charge an individual enrolled with such entity who is eligible for the catastrophic benefit under this part any copayment, tiered copayment, coinsurance, or other cost-sharing that exceeds 10 percent of the cost of the drug that is dispensed to the individual.

“(3) PAYMENT IN COMPETITIVE AREAS.—In a geographic area in which 2 or more eligible entities offer a plan under this part, the Secretary may negotiate an agreement with the entity to reimburse the entity for costs incurred in providing the benefit under this part on a capitated basis.

“(c) SECONDARY PAYER PROVISIONS.—The provisions of section 1862(b) shall apply to the benefits provided under this part.

“DETERMINATION OF INCOME LEVELS

“SEC. 1860I. (a) DETERMINATION OF INCOME LEVELS.—

“(1) IN GENERAL.—The Secretary shall establish procedures under which each eligible entity awarded a contract under this part determines the income levels of eligible beneficiaries enrolled in a prescription drug card plan offered by that entity at least annually for purposes of sections 1860E(c) and 1860F(b).

“(2) PROCEDURES.—The procedures established under paragraph (1) shall require each eligible beneficiary to submit such information as the eligible entity requires to make the determination described in paragraph (1).

“(b) ENFORCEMENT OF INCOME DETERMINATIONS.—The Secretary shall—

“(1) establish procedures that ensure that eligible beneficiaries comply with sections 1860E(c) and 1860F(b); and

“(2) require, if the Secretary determines that payments were made under this part to which an eligible beneficiary was not entitled, the repayment of any excess payments with interest and a penalty.

“(c) QUALITY CONTROL SYSTEM.—

“(1) ESTABLISHMENT.—The Secretary shall establish a quality control system to monitor income determinations made by eligible entities under this section and to produce appropriate and comprehensive measures of error rates.

“(2) PERIODIC AUDITS.—The Inspector General of the Department of Health and Human Services shall conduct periodic audits to ensure that the system established under paragraph (1) is functioning appropriately.

“APPROPRIATIONS

“SEC. 1860J. There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Federal Supplementary Medical Insurance Trust Fund established under section 1841, an amount equal to the amount by which the benefits and administrative costs of providing the benefits under this part exceed the enrollment fees collected under section 1860E.

“MEDICARE COMPETITION AND PRESCRIPTION DRUG ADVISORY BOARD

“SEC. 1860K. (a) ESTABLISHMENT OF BOARD.—There is established a Medicare Prescription Drug Advisory Board (in this section referred to as the ‘Board’).

“(b) ADVICE ON POLICIES; REPORTS.—

“(1) ADVICE ON POLICIES.—The Board shall advise the Secretary on policies relating to the Voluntary Medicare Prescription Drug Discount and Security Program under this part.

“(2) REPORTS.—

“(A) IN GENERAL.—With respect to matters of the administration of the program under this part, the Board shall submit to Congress and to the Secretary such reports as the Board determines appropriate. Each such report may contain such recommendations as the Board determines appropriate for legislative or administrative changes to improve the administration of the program under this part. Each such report shall be published in the Federal Register.

“(B) MAINTAINING INDEPENDENCE OF BOARD.—The Board shall directly submit to Congress reports required under subparagraph (A). No officer or agency of the United States may require the Board to submit to any officer or agency of the United States for approval, comments, or review, prior to the submission to Congress of such reports.

“(c) STRUCTURE AND MEMBERSHIP OF THE BOARD.—

“(1) MEMBERSHIP.—The Board shall be composed of 7 members who shall be appointed as follows:

“(A) PRESIDENTIAL APPOINTMENTS.—

“(i) IN GENERAL.—Three members shall be appointed by the President, by and with the advice and consent of the Senate.

“(ii) LIMITATION.—Not more than 2 such members may be from the same political party.

“(B) SENATORIAL APPOINTMENTS.—Two members (each member from a different political party) shall be appointed by the President pro tempore of the Senate with the advice of the Chairman and the Ranking Minority Member of the Committee on Finance of the Senate.

“(C) CONGRESSIONAL APPOINTMENTS.—Two members (each member from a different political party) shall be appointed by the Speaker of the House of Representatives, with the advice of the Chairman and the Ranking Minority Member of the Committee on Ways and Means of the House of Representatives.

“(2) QUALIFICATIONS.—The members shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Board.

“(3) COMPOSITION.—Of the members appointed under paragraph (1)—

“(A) at least 1 shall represent the pharmaceutical industry;

“(B) at least 1 shall represent physicians;

“(C) at least 1 shall represent medicare beneficiaries;

“(D) at least 1 shall represent practicing pharmacists; and

“(E) at least 1 shall represent eligible entities.

“(d) TERMS OF APPOINTMENT.—

“(1) IN GENERAL.—Subject to paragraph (2), each member of the Board shall serve for a term of 6 years.

“(2) CONTINUANCE IN OFFICE AND STAGGERED TERMS.—

“(A) CONTINUANCE IN OFFICE.—A member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term.

“(B) STAGGERED TERMS.—The terms of service of the members initially appointed under this section shall begin on January 1, 2005, and expire as follows:

“(i) PRESIDENTIAL APPOINTMENTS.—The terms of service of the members initially appointed by the President shall expire as designated by the President at the time of nomination, 1 each at the end of—

“(I) 2 years;

“(II) 4 years; and

“(III) 6 years.

“(ii) SENATORIAL APPOINTMENTS.—The terms of service of members initially appointed by the President pro tempore of the Senate shall expire as designated by the President pro tempore of the Senate at the time of nomination, 1 each at the end of—

“(I) 3 years; and

“(II) 6 years.

“(iii) CONGRESSIONAL APPOINTMENTS.—The terms of service of members initially appointed by the Speaker of the House of Representatives shall expire as designated by the Speaker of the House of Representatives at the time of nomination, 1 each at the end of—

“(I) 4 years; and

“(II) 5 years.

“(C) REAPPOINTMENTS.—Any person appointed as a member of the Board may not serve for more than 8 years.

“(D) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that

member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

“(e) CHAIRPERSON.—A member of the Board shall be designated by the President to serve as Chairperson for a term of 4 years or, if the remainder of such member's term is less than 4 years, for such remainder.

“(f) EXPENSES AND PER DIEM.—Members of the Board shall serve without compensation, except that, while serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

“(g) MEETINGS.—

“(1) IN GENERAL.—The Board shall meet at the call of the Chairperson (in consultation with the other members of the Board) not less than 4 times each year to consider a specific agenda of issues, as determined by the Chairperson in consultation with the other members of the Board.

“(2) QUORUM.—Four members of the Board (not more than 3 of whom may be of the same political party) shall constitute a quorum for purposes of conducting business.

“(h) FEDERAL ADVISORY COMMITTEE ACT.—The Board shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

“(i) PERSONNEL.—

“(1) STAFF DIRECTOR.—The Board shall, without regard to the provisions of title 5, United States Code, relating to the competitive service, appoint a Staff Director who shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

“(2) STAFF.—

“(A) IN GENERAL.—The Board may employ, without regard to chapter 31 of title 5, United States Code, such officers and employees as are necessary to administer the activities to be carried out by the Board.

“(B) FLEXIBILITY WITH RESPECT TO CIVIL SERVICE LAWS.—

“(i) IN GENERAL.—The staff of the Board shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, subject to clause (ii), shall be paid without regard to the provisions of chapters 51 and 53 of such title (relating to classification and schedule pay rates).

“(ii) MAXIMUM RATE.—In no case may the rate of compensation determined under clause (i) exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, out of the Federal Supplemental Medical Insurance Trust Fund established under section 1841, and the general fund of the Treasury, such sums as are necessary to carry out the purposes of this section.”.

(b) CONFORMING REFERENCES TO PREVIOUS PART D.—

(1) IN GENERAL.—Any reference in law (in effect before the date of enactment of this Act) to part D of title XVIII of the Social Security Act is deemed a reference to part E of such title (as in effect after such date).

(2) SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL.—Not later than 6 months after the date of enactment of this section, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this section.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) IMPLEMENTATION.—Notwithstanding any provision of part D of title XVIII of the Social Security Act (as added by subsection (a)), the Secretary of Health and Human Services shall implement the Voluntary Medicare Prescription Drug Discount and Security Program established under such part in a manner such that—

(A) benefits under such part for eligible beneficiaries (as defined in section 1860 of such Act, as added by such subsection) with annual incomes below 200 percent of the poverty line (as defined in such section) are available to such beneficiaries not later than the date that is 6 months after the date of enactment of this Act; and

(B) benefits under such part for other eligible beneficiaries are available to such beneficiaries not later than the date that is 1 year after the date of enactment of this Act.

SEC. 3. ADMINISTRATION OF VOLUNTARY MEDICARE PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM.

(a) ESTABLISHMENT OF CENTER FOR MEDICARE PRESCRIPTION DRUGS.—There is established, within the Centers for Medicare & Medicaid Services of the Department of Health and Human Services, a Center for Medicare Prescription Drugs. Such Center shall be separate from the Center for Beneficiary Choices, the Center for Medicare Management, and the Center for Medicaid and State Operations.

(b) DUTIES.—It shall be the duty of the Center for Medicare Prescription Drugs to administer the Voluntary Medicare Prescription Drug Discount and Security Program established under part D of title XVIII of the Social Security Act (as added by section 2).

(c) DIRECTOR.—

(1) APPOINTMENT.—There shall be in the Center for Medicare Prescription Drugs a Director of Medicare Prescription Drugs, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) RESPONSIBILITIES.—The Director shall be responsible for the exercise of all powers and the discharge of all duties of the Center for Medicare Prescription Drugs and shall have authority and control over all personnel and activities thereof.

(d) PERSONNEL.—The Director of the Center for Medicare Prescription Drugs may appoint and terminate such personnel as may be necessary to enable the Center for Medicare Prescription Drugs to perform its duties.

SEC. 4. EXCLUSION OF PART D COSTS FROM DETERMINATION OF PART B MONTHLY PREMIUM.

Section 1839(g) of the Social Security Act (42 U.S.C. 1395r(g)) is amended—

(1) by striking “attributable to the application of section” and inserting “attributable to—

“(1) the application of section”;

(2) by striking the period and inserting “; and”;

(3) by adding at the end the following new paragraph:

“(2) the Voluntary Medicare Prescription Drug Discount and Security Program under part D.”.

SEC. 5. MEDIGAP REVISIONS.

Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following new subsection:

“(v) MODERNIZATION OF MEDICARE SUPPLEMENTAL POLICIES.—

“(1) PROMULGATION OF MODEL REGULATION.—

“(A) NAIC MODEL REGULATION.—If, within 9 months after the date of enactment of the Medicare Rx Drug Discount and Security Act

of 2003, the National Association of Insurance Commissioners (in this subsection referred to as the ‘NAIC’) changes the 1991 NAIC Model Regulation (described in subsection (p)) to revise the benefit package classified as ‘J’ under the standards established by subsection (p)(2) (including the benefit package classified as ‘J’ with a high deductible feature, as described in subsection (p)(11)) so that—

“(i) the coverage for prescription drugs available under such benefit package is replaced with coverage for prescription drugs that complements but does not duplicate the benefits for prescription drugs that beneficiaries are otherwise entitled to under this title;

“(ii) a uniform format is used in the policy with respect to such revised benefits; and

“(iii) such revised standards meet any additional requirements imposed by the Medicare Rx Drug Discount and Security Act of 2003;

subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after January 1, 2005, as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed under this subparagraph (such changed regulation referred to in this section as the ‘2005 NAIC Model Regulation’).

“(B) REGULATION BY THE SECRETARY.—If the NAIC does not make the changes in the 1991 NAIC Model Regulation within the 9-month period specified in subparagraph (A), the Secretary shall promulgate, not later than 9 months after the end of such period, a regulation and subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after January 1, 2005, as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed by the Secretary under this subparagraph (such changed regulation referred to in this section as the ‘2005 Federal Regulation’).

“(C) CONSULTATION WITH WORKING GROUP.—In promulgating standards under this paragraph, the NAIC or Secretary shall consult with a working group similar to the working group described in subsection (p)(1)(D).

“(D) MODIFICATION OF STANDARDS IF MEDICARE BENEFITS CHANGE.—If benefits under part D of this title are changed and the Secretary determines, in consultation with the NAIC, that changes in the 2005 NAIC Model Regulation or 2005 Federal Regulation are needed to reflect such changes, the preceding provisions of this paragraph shall apply to the modification of standards previously established in the same manner as they applied to the original establishment of such standards.

“(2) CONSTRUCTION OF BENEFITS IN OTHER MEDICARE SUPPLEMENTAL POLICIES.—Nothing in the benefit packages classified as ‘A’ through ‘I’ under the standards established by subsection (p)(2) (including the benefit package classified as ‘F’ with a high deductible feature, as described in subsection (p)(11)) shall be construed as providing coverage for benefits for which payment may be made under part D.

“(3) APPLICATION OF PROVISIONS AND CONFORMING REFERENCES.—

“(A) APPLICATION OF PROVISIONS.—The provisions of paragraphs (4) through (10) of subsection (p) shall apply under this section, except that—

“(i) any reference to the model regulation applicable under that subsection shall be deemed to be a reference to the applicable 2005 NAIC Model Regulation or 2005 Federal Regulation; and

“(ii) any reference to a date under such paragraphs of subsection (p) shall be deemed

to be a reference to the appropriate date under this subsection.

“(B) OTHER REFERENCES.—Any reference to a provision of subsection (p) or a date applicable under such subsection shall also be considered to be a reference to the appropriate provision or date under this subsection.”.

By Mr. JEFFORDS (for himself, Mr. LAUTENBERG, Mr. GRAHAM of Florida, and Mr. LIEBERMAN):

S. 779. A bill to amend the Federal Water Pollution Control Act to improve protection of treatment works from terrorist and other harmful and intentional acts, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise today with Senators LAUTENBERG, GRAHAM of Florida, and LIEBERMAN to introduce the Wastewater Treatment Works Security and Safety Act. This legislation provides for the safety and security of our Nation's wastewater treatment works by providing needed funds to conduct vulnerability assessments and implement security improvements. In addition, this bill will ensure long-term safety and security by providing funds for researching innovative technologies and enhancing proven vulnerability assessment tools already in use.

Since the terrible events of September 11, we have taken several comprehensive steps to protect our water supplies and infrastructure. I have spoken on the many initiatives taking place on the Committee on Environment and Public Works and at the Environmental Protection Agency to protect our Nation's critical water infrastructure. I am pleased to say that we have made some progress.

EPA worked with State and local governments to expeditiously provide guidance on the protection of drinking water facilities from terrorist attacks. Based on the recommendations of Presidential Decision Directive 63, issued by President Clinton in 1998, the Environmental Protection Agency and its industry partner, the Association of Metropolitan Water Agencies, established a communications system, a water infrastructure Information Sharing and Analysis Center, designed to provide real-time threat assessment data to water utilities throughout the Nation.

Last year, Senator SMITH and I worked to include the authorization of \$160 million for vulnerability assessments at drinking water facilities as part of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Despite our hard work during the conference, we were unable to include a provision in that bill for wastewater facilities due to jurisdictional issues in the House.

While these initial efforts are essential, our task is by no means finished. We cannot forget the vital importance of protecting our Nation's wastewater facilities. Everyday we take for granted the hundreds of thousand of miles of

pipes buried underground and the thousands of wastewater treatment works that keep our water clean and safe. Like all our Nation's critical infrastructure, the disruption or destruction of these structures could have a devastating impact on public safety, health, and the economy.

The legislation I am introducing today will take us one step further by authorizing support of ongoing efforts to develop and implement vulnerability assessments and emergency response plans at wastewater facilities.

Using existing tools such as the Sandia Laboratory's vulnerability assessment tool or the Association of Metropolitan Sewerage Association's Vulnerability Self-Assessment Tool, treatment works will be able to securely identify critical areas of need. With the funds provided by this bill, EPA will also ensure that treatment works remedy areas of concerns. Using the results of the vulnerability assessment, treatment works will develop or revise emergency response plans to minimize damage if an attack were to occur.

This bill authorizes \$180 million for fiscal years 2004 through 2008 for grants to conduct the vulnerability assessments and implement basic security enhancements. The bill also recognizes the need to address immediate and urgent security needs with a special \$20 million authorization over 2004 and 2005.

In my home State of Vermont, we have only three towns of over 25,000 people. The small water facilities serving these communities have been particularly challenged to meet today's new homeland security challenges. Many times, water managers operate the town's water facilities as a part-time job or even as a free service. We must ensure that they are afforded the same consideration under this act as the medium and large facilities. This bill authorizes \$15 million for grants to help small communities conduct vulnerability assessments, develop emergency response plans, and address potential threats to the treatment works. It also instructs the Administrator of the EPA to provide guidance to these communities on how to effectively use these security tools.

To ensure the continued development of wastewater security technologies, the Wastewater Treatment Works Security and Safety Act authorizes \$15 million for research for 2004 through 2008. It also provides \$500,000 to refine vulnerability self-assessment tools already in existence.

I look forward to working with my colleagues on this legislation and other efforts to enhance the security of our Nation's water infrastructure in the weeks, months, and years to come. We truly have something to protect—clean, safe, fresh water is worth our investment.

By Mr. MCCAIN.

S. 784. A bill to revise the boundary of the Petrified Forest National Park

in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I rise to introduce legislation to authorize expansion of the Petrified Forest National Park in Arizona. I'm pleased that Representative RICK RENZI will introduce companion legislation in the House of Representatives.

The Petrified Forest National Park is a national treasure among the Nation's parks, renowned for its large concentration of highly colored petrified wood, fossilized remains, and spectacular landscapes. However, it is much more than a colorful, scenic vista, for the Petrified Forest has been referred to as "one of the world's greatest storehouses of knowledge about life on earth when the Age of the Dinosaurs was just beginning."

For anyone whom has ever visited this park, one is quick to recognize the wealth of scenic, scientific, and historical values of this park. Preserved deposits of petrified wood and related fossils are among the most valuable representations of Triassic-period terrestrial ecosystems in the world. These natural formations were deposited more than 220 million years ago. Scenic vistas, designated wilderness areas, and other historically significant sites of pictographs and Native American ruins are added dimensions to the park.

The Petrified Forest was originally designated as a National Monument by former President Theodore Roosevelt in 1906 to protect the important natural and cultural resources of the Park, and later re-designated as a National Park in 1962. While several boundary adjustments were made to the Park, a significant portion of unprotected resources remain in outlying areas adjacent to the Park.

A proposal to expand the Park's boundaries was recommended in the park's General Management Plan in 1992, in response to concerns about the long-term protection needs of globally significant resources and the Park's viewshed in nearby areas. For example, one of the most concentrated deposits of petrified wood is found within the Chinle escarpment, of which only thirty percent is included within the current Park boundaries.

Increasing reports of theft and vandalism around the Park have activated the Park, local communities, and other interested entities to seek additional protections through a proposed boundary expansion. It has been estimated that visitors to the Park steal about 12 tons of petrified wood every year. Other reports of destruction to archaeological sites and gravesites have also been documented. Based on these continuing threats to resources intrinsic to the Park, the National Parks Conservation Association listed the Petrified Forest National Park on its list of Top Ten Most Endangered Parks in 2000.

Support for this proposed boundary expansion is extraordinary, from the

local community of Holbrook, scientific and research institutions, state tourism agencies, and environmental groups, such as the National Parks Conservation Association, NPCA. I ask unanimous consent that a letter of support from the National Parks Conservation Association be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL PARKS
CONSERVATION ASSOCIATION,
March 20, 2003.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Bldg.,
Washington, DC.

DEAR SENATOR MCCAIN: I wish to express the appreciation of the National Parks Conservation Association (NPCA) for your reintroduction of the Petrified Forest National Park Expansion Act. Every day that passes without adequately protecting the remarkable resources adjacent to this gem of the National Park System places them and the park at greater risk. NPCA strongly agrees with the National Park Service's 1992 findings that the park should be expanded. Now, with your leadership and with private landowners within the proposed expansion area anxious to sell their land, we believe the time has come to pass this important legislation.

It is hard to imagine a better example of an outdoor classroom than Petrified Forest National Park. This boundary expansion will ensure long-term protection of globally significant paleontological resources outside the park, which are believed even to surpass those within the present park boundary. Only 30 percent of the 22-mile long Chinle escarpment, known to constitute the best record of Triassic period terrestrial ecosystems found anywhere in the world, is protected within the park. The opportunities for schoolchildren in Arizona and elsewhere, for the scientific community, and others to learn from the 225 million-year old record entombed in these lands is truly incredible. The lessons locked within Petrified Forest and the proposed expansion lands can give us important perspectives about how modern day challenges like global warming and biodiversity relate to historical changes in the earth's climate and environment, dating back to prehistoric times. And they can excite the next generation of scientists the nation will need to compete in the 21st century.

In addition to the Chinle, the expansion would protect major ancestral puebloan archaeological sites dating as far back as 7,000 years, and the incredible vista from the park's Blue Mesa. It will also alleviate the threat of encroaching incompatible development and will greatly enhance the National Park Service's capability to protect the resources from vandalism and illegal pothunting.

I have had the opportunity to discuss this expansion proposal with Arizona's new governor, Janet Napolitano and her staff and am very encouraged by their strong interest. NPCA looks forward to working with you, your able staff, the Arizona delegation, the new governor, and the park service to build upon the progress we made in last year's negotiations on the bill.

Expanding Petrified Forest National Park will be a gift the American people will appreciate for generations to come. In addition, I can think of no more fitting tribute to the park's late superintendent, Michele Hellickson, than saving the resource she fought to protect for so many years. Because

it provides such a compelling explanation about why this expansion is so important, I am attaching an article by David Gillette, the Colbert Curator of Paleontology at the Museum of Northern Arizona, which was published in our magazine last fall. Thank you for advancing this important proposal to protect a truly remarkable resource for our nation and the rest of the world.

Sincerely,

CRAIG D. OBEY,
Vice President for Government Affairs.

The legislation I am introducing today is intended to serve as a placeholder bill for further development of a boundary expansion proposal. The legislation is identical to the version introduced in the 107th Congress. Several key issues remain that require resolution, including the exact definition of the expanded boundary acreage as well as the disposition and possible acquisition of private and State lands within the proposed expansion area.

It's encouraging to note that the four major landowners within the proposed boundary expansion area have expressed interest in the Park expansion. Other public landowners, primarily the state of Arizona and the Bureau of Land Management, have recognized the significance of the paleontological resources on its lands adjacent to the Park. The Arizona State Trust land Department closed nearby State trust lands to both surface and subsurface applications. Additionally, the Bureau of Land Management has identified its land-holdings within the proposed expansion area for disposal and possible transfer to the Park.

Other issues involving additional private landholders and State trust land must still be resolved. In particular, the State of Arizona has specific requirements which must be addressed as the legislation moves through the process, particularly with regard to compensation to the state for any acquisitions of State trust lands by the Secretary of the Interior, in keeping with the requirements of State law.

I fully intend to address these issues in consultation with affected entities and resolve any additional questions within a reasonable time-frame. A historic opportunity exists to alleviate major threats to these nationally significant resources and preserve them for our posterity.

On a personal note, I'd like to acknowledge the former Park Superintendent of Petrified Forest National Park, Michele Hellickson, who recently lost a battle with cancer a few months ago. She served as Park Superintendent for nine years, from 1993 to 2002, and was one of the most ardent supporters to protect the resources of this Park. Her commitment to protect this incredible Park will long be remembered and acknowledged.

I look forward to working with my colleagues on both sides of the aisle to ensure swift consideration and enactment of this proposal. Time is of the essence to ensure the long-term protection of these rare and important re-

sources for the enjoyment and educational value for future generations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Petrified Forest National Park Expansion Act of 2003".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Petrified Forest National Park was established—

(A) to preserve and interpret the globally significant paleontological resources of the Park that are generally regarded as the most important record of the Triassic period in natural history; and

(B) to manage those resources to retain significant cultural, natural, and scenic values;

(2) significant paleontological, archaeological, and scenic resources directly related to the resource values of the Park are located in land areas adjacent to the boundaries of the Park;

(3) those resources not included within the boundaries of the Park—

(A) are vulnerable to theft and desecration; and

(B) are disappearing at an alarming rate;

(4) the general management plan for the Park includes a recommendation to expand the boundaries of the Park and incorporate additional globally significant paleontological deposits in areas adjacent to the Park—

(A) to further protect nationally significant archaeological sites; and

(B) to protect the scenic integrity of the landscape and viewshed of the Park; and

(5) a boundary adjustment at the Park will alleviate major threats to those nationally significant resources.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to acquire 1 or more parcels of land—

(1) to expand the boundaries of the Park; and

(2) to protect the rare paleontological and archaeological resources of the Park.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term "map" means the map entitled "Proposed Boundary Adjustments, Petrified Forest National Park", numbered _____, and dated _____.

(2) PARK.—The term "Park" means the Petrified Forest National Park in the State.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of Arizona.

SEC. 4. BOUNDARY REVISION.

(a) IN GENERAL.—The boundary of the Park is revised to include approximately _____ acres, as generally depicted on the map.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ACQUISITION OF ADDITIONAL LAND.

(a) PRIVATE LAND.—The Secretary may acquire from a willing seller, by purchase, exchange, or by donation, any private land or interests in private land within the revised boundary of the Park.

(b) STATE LAND.—

(1) IN GENERAL.—The Secretary may, with the consent of the State and in accordance

with State law, acquire from the State any State land or interests in State land within the revised boundary of the Park by purchase or exchange.

(2) PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, in coordination with the State, develop a plan for acquisition of State land or interests in State land identified for inclusion within the revised boundary of the Park.

SEC. 6. ADMINISTRATION.

(a) IN GENERAL.—Subject to applicable laws, all land and interests in land acquired under this Act shall be administered by the Secretary as part of the Park.

(b) TRANSFER OF JURISDICTION.—The Secretary shall transfer to the National Park Service administrative jurisdiction over any land under the jurisdiction of the Secretary that—

(1) is depicted on the map as being within the boundaries of the Park; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

(c) GRAZING.—

(1) IN GENERAL.—The Secretary shall permit the continuation of grazing on land transferred to the Secretary under this Act, subject to applicable laws (including regulations) and Executive orders.

(2) TERMINATION OF LEASES OR PERMITS.—Nothing in this subsection prohibits the Secretary from accepting the voluntary termination of a grazing permit or grazing lease within the Park.

(d) AMENDMENT TO GENERAL MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall amend the general management plan for the Park to address the use and management of any additional land acquired under this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. COLEMAN, Mr. HARKIN, Mr. CRAIG, Mr. JOHNSON, Mr. BURNS, Mr. DORGAN, Mr. ROBERTS, Mr. DAYTON, Mr. FITZGERALD, Mrs. LINCOLN, Mr. COCHRAN, Mr. HAGEL, Mr. CONRAD, and Mr. HATCH):

S. 785. A bill to amend the Internal Revenue Code of 1986 to allow the payment of dividends on the stock of cooperatives without reducing patronage dividends; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing a very important piece of legislation to modify the cooperative dividend allocation rule. I would like to thank Senator GRASSLEY and my other colleagues that have signed on the bill for their support for correcting this rule.

America's agriculture industry has not had it easy in recent years. In Montana and other areas of the country, drought, low prices and the economic downturn have hit our farms and ranches hard. Over the past few years Congress has worked diligently to help our Nation's smaller agriculture producers. However, there is more work to be done.

Senator GRASSLEY and I recently introduced "The Tax Empowerment and

Relief for Farmers and Fisherman Act", TERFF, with the intention of giving farmers the tools to help themselves. One provision within that Act deals with the payment of dividends on cooperatives' stock. Today we are introducing that provision on its own to emphasize the importance of changing the dividend allocation rule.

Currently, the dividend allocation rule reduces patronage income when a cooperative pays a dividend on capital stock from non-patronage earnings. This reduces the amount cooperatives can pay back to their farmer patrons and inhibits their ability to equity-finance operations.

Modifying this rule will make farmer cooperatives more competitive and provide better access to capital. This piece of legislation will help revitalize farmer cooperatives by providing more accurate tax treatment for patronage and non-patronage income.

I look forward to working with my colleagues to enact the critical piece of legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT OF DIVIDENDS ON STOCK OF COOPERATIVES WITHOUT REDUCING PATRONAGE DIVIDENDS.

(a) IN GENERAL.—Subsection (a) of section 1388 of the Internal Revenue Code of 1986 (relating to patronage dividend defined) is amended by adding at the end the following new sentence: "For purposes of paragraph (3), net earnings shall not be reduced by amounts paid during the year as dividends on capital stock or other proprietary capital interests of the organization to the extent that the articles of incorporation or bylaws of such organization or other contract with patrons provide that such dividends are in addition to amounts otherwise payable to patrons which are derived from business done with or for patrons during the taxable year."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

Mr. GRASSLEY. Mr. President, the Dividend Allocation Rule, DAR, is the result of several old court cases and subsequent IRS interpretation that applies only to cooperatives which are corporations. When a non cooperative corporation pays a dividend to its shareholder the corporation pays tax on the dividend issued and the shareholder pays a tax on the dividend received, so they pay two levels of taxation. In fact, under the President's dividend exclusion proposal as presented to the U.S. Congress, the President of the United States makes a compelling argument that being taxed twice is inherently unfair and it would be good for the Nation's economy that only one level of tax should be paid by the corporation and that the share-

holder would receive the dividend tax free.

Well—if two levels of taxation on corporations and their shareholders is unfair and adverse to the creation of capital and the economy—how would you like to try to operate as a fiscally sound business entity if you had to figure out every day how you were going to generate enough cash flow to pay THREE levels of taxation.

Current law requires corporate cooperatives to treat income from their member-owners, patrons, separate from income of their non-members money. Contributions and earnings used by the cooperative to operate is typically called retained patronage. The member, unlike a shareholder, has to pay income tax on that amount even if the Cooperative retains the money for operation expenses. Then, because of the IRS' rules, when the Cooperative returns money to its non-members it loses its corporate deduction which in turn reduces the return of earnings that the patron has already paid taxes on—the result is a triple layer of tax. This rule is inherently unfair to our corporate cooperatives.

Now is the time to finally correct this injustice. The Congress passed this bill in 106th Congress, but it was subsequently vetoed by the President. It was a part of a bill I sponsored the "Tax Empowerment and Relief for Farmers and Fishermen, TERFF, Act" in the 107th, and now it is time for the Senate to pass it again in the 108th. As Chairman of the Finance Committee, I am proud to join with my Ranking Member MAX BAUCUS to introduce the bill to repeal the Dividend Allocation Rule. We have been joined by many of our farm States' Senators in a truly bipartisan effort to correct this financial injustice.

The time to act is now and this bipartisan legislation will eliminate the adverse tax problem and will help rejuvenate over 100 of our farmer cooperative networks in Iowa and nearly 3000 of our cooperatives across the America.

By Mr. BINGAMAN (for himself, Mr. ROCKEFELLER, and Mr. BREAUX):

S. 786. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to provide grants for transitional jobs programs, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Business Links Act, on behalf of myself, Senator ROCKEFELLER and Senator BREAUX.

The Business Links Act is a companion bill to the Education Works Act, which I introduced a short time ago. Both of these bills address the need to support State efforts to use welfare to work strategies that combine work with a flexible mix of education, training and other supports. The Business Links Act, more specifically, provides resources to States

seeking to implement one of the most effective of these types of programs: transitional jobs programs. These programs provide subsidized, temporary, wage-paying jobs for 20 to 35 hours a week, along with access to job readiness, basic education, vocational skills, and other barrier-removal services based on individualized plans. The Business Links Act would provide states with funding to implement these transitional jobs programs and other training and support programs such as Business Links.

Existing transitional jobs programs are achieving great outcomes. Research has shown that 81 percent to 94 percent of those who completed transitional jobs programs went on to unsubsidized jobs with wages, and that most of these individuals moved into full-time employment. Transitional jobs can be particularly effective for the hardest to serve welfare recipients. For people who face barriers, or who lack the skills or experience to compete successfully in the labor market, paid work in a supportive environment, together with access to needed services provides a real chance to move into stable, permanent employment. Transitional jobs not only help individuals, but communities as well. In providing work opportunities for hard-to-employ individuals, these programs reduce pressure on local emergency systems and decrease government expenditures on health care, food stamps, and cash assistance.

Our legislation also supports "business link" programs that provide individuals with fewer barriers and those who have historically found only very low wage employment with intensive training and skill development activities designed to lead to long-term, higher paid employment. These programs are based on partnerships with the private sector. In my home State, just such a program is producing great results the Teamworks program. During a 12-week course, participants are provided with training in life and employment skills, necessary supports such as childcare and transportation, assistance in their job search efforts and ongoing support for 18 months after job placement. Impressively, the average wage of those completing the program is \$1.50 per hour higher than other programs and job retention rates are 20 percent higher.

Additional Federal support for transitional job and business link programs is sorely needed. The Welfare-to-work funds that have previously been used to support these programs are nearly exhausted. In addition, in a period of rising caseloads and state budget crises such as we are now facing, funding transitional jobs solely with existing TANF funds will be very difficult.

I urge my colleagues to join me in supporting the Business Links Act, which will provide States with the tools they need to implement programs that work. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Business Links Act of 2003".

SEC. 2. TRANSITIONAL JOBS GRANTS.

(a) IN GENERAL.—Section 403(a)(4) of the Social Security Act (42 U.S.C. 603(a)(4)) is amended to read as follows:

"(4) INNOVATIVE BUSINESS LINK PARTNERSHIP GRANTS.—

"(A) IN GENERAL.—The Secretary and the Secretary of Labor (in this paragraph referred to as the "Secretaries") jointly shall award grants in accordance with this paragraph for projects proposed by eligible applicants based on the following:

"(i) The potential effectiveness of the proposed project in carrying out the activities described in subparagraph (E).

"(ii) Evidence of the ability of the eligible applicant to leverage private, State, and local resources.

"(iii) Evidence of the ability of the eligible applicant to coordinate with other organizations at the State and local level.

"(B) DEFINITION OF ELIGIBLE APPLICANT.—

"(i) IN GENERAL.—In this paragraph, the term 'eligible applicant' means a nonprofit organization, a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), a State, a political subdivision of a State, or an Indian tribe.

"(ii) GRANTS TO PROMOTE BUSINESS LINKAGES.—

"(I) ADDITIONAL ELIGIBLE APPLICANT.—Only for purposes of grants to carry out the activities described in subparagraph (E)(i), the term 'eligible applicant' includes an employer.

"(II) ADDITIONAL REQUIREMENT.—In order to qualify as an eligible applicant for purposes of subparagraph (E)(i), the applicant must provide evidence that the application has been developed by and will be implemented by a local or regional consortium that includes, at minimum, employers or employer associations, and education and training providers, in consultation with local labor organizations and social service providers that work with low-income families or individuals with disabilities.

"(C) REQUIREMENTS.—

"(i) IN GENERAL.—In awarding grants under this paragraph, the Secretaries shall—

"(I) consider the needs of rural areas and cities with large concentrations of residents with an income that is less than 150 percent of the poverty line; and

"(II) ensure that—

"(aa) all of the funds made available under this paragraph (other than funds reserved for use by the Secretaries under subparagraph (J)) shall be used for activities described in subparagraph (E);

"(bb) not less than 40 percent of the funds made available under this paragraph (other than funds so reserved) shall be used for activities described in subparagraph (E)(i); and

"(cc) not less than 40 percent of the funds made available under this paragraph (other than funds so reserved) shall be used for the activities described in subparagraph (E)(ii).

"(ii) CONTINUATION OF AVAILABILITY.—If any portion of the funds required to be used for activities referred to in item (bb) or (cc) of clause (i)(II) are not awarded in a fiscal year, such portion shall continue to be available in the subsequent fiscal year for the same activity, in addition to other amounts

that may be available for such activities for that subsequent fiscal year.

"(D) DETERMINATION OF GRANT AMOUNT.—

"(i) IN GENERAL.—Subject to clause (ii), in determining the amount of a grant to be awarded under this paragraph for a project proposed by an eligible applicant, the Secretaries shall provide the eligible applicant with an amount sufficient to ensure that the project has a reasonable opportunity to be successful, taking into account—

"(I) the number and characteristics of the individuals to be served by the project;

"(II) the level of unemployment in the area to be served by the project;

"(III) the job opportunities and job growth in such area;

"(IV) the poverty rate for such area; and

"(V) such other factors as the Secretary deems appropriate in such area.

"(ii) MAXIMUM AWARD FOR GRANTS TO PROMOTE BUSINESS LINKAGES OR PROVIDE TRANSITIONAL JOBS PROGRAMS.—

"(I) IN GENERAL.—In the case of a grant to carry out activities described in clause (i) or (ii) of subparagraph (E), an eligible applicant awarded a grant under this paragraph may not receive more than \$10,000,000 per fiscal year under the grant.

"(II) RULE OF CONSTRUCTION.—Nothing in subclause (I) shall be construed as precluding an otherwise eligible applicant from receiving separate grants to carry out activities described in clause (i) or (ii) of subparagraph (E).

"(iii) GRANT PERIOD.—The period in which a grant awarded under this paragraph may be used shall be specified for a period of not less than 36 months and not more than 60 months.

"(E) ALLOWABLE ACTIVITIES.—An eligible applicant awarded a grant under this paragraph shall use funds provided under the grant to do the following:

"(i) PROMOTE BUSINESS LINKAGES.—

"(I) IN GENERAL.—To promote business linkages in which funds shall be used to fund new or expanded programs that are designed to—

"(aa) substantially increase the wages of eligible individuals (as defined in subparagraph (F)), whether employed or unemployed, who have limited English proficiency or other barriers to employment by creating or upgrading job and related skills in partnership with employers, especially by providing supports and services at or near work sites; and

"(bb) identify and strengthen career pathways by expanding and linking work and training opportunities for such individuals in collaboration with employers.

"(II) CONSIDERATION OF IN-KIND, IN-CASH RESOURCES.—In determining which programs to fund under this clause, an eligible applicant awarded a grant under this paragraph shall consider the ability of a consortium to provide funds in-kind or in-cash (including employer-provided, paid release time) to help support the programs for which funding is sought.

"(III) PRIORITY.—In determining which programs to fund under this clause, an eligible applicant awarded a grant under this paragraph shall give priority to programs that include education or training for which participants receive credit toward a recognized credential, such as an occupational certificate or license.

"(IV) USE OF FUNDS.—

"(aa) IN GENERAL.—Funds provided to a program under this clause may be used for a comprehensive set of employment and training benefits and services, including job development, job matching, workplace supports and accommodations, curricula development, wage subsidies, retention services, and such other benefits or services as the

program deems necessary to achieve the overall objectives of this clause.

"(bb) PROVISION OF SERVICES.—So long as a program is principally designed to assist eligible individuals, (as defined in subparagraph (F)), funds may be provided to a program under this clause that also serves low-earning employees of 1 or more employers even if such individuals are not within the definition of eligible individual (as so defined).

"(ii) PROVIDE FOR TRANSITIONAL JOBS PROGRAMS.—

"(I) IN GENERAL.—To provide for wage-paying transitional jobs programs which combine time-limited employment in the public or nonprofit private sector that is subsidized with public funds with skill development and activities to remove barriers to employment, pursuant to an individualized plan (or, in the case of an eligible individual described in subparagraph (F)(i), an individual responsibility plan developed for an individual under section 408(b)). Such programs also shall provide job development and placement assistance to individual participants to help them move from subsidized employment in transitional jobs into unsubsidized employment, as well as retention services after the transition to unsubsidized employment.

"(II) ELIGIBLE PARTICIPANTS.—The Secretary shall ensure that individuals who participate in transitional jobs programs funded under a grant made under this paragraph shall be individuals who have been unemployed because of limited skills, experience, or other barriers to employment, and who are eligible individuals (as defined in subparagraph (F)), provided that so long as a program is designed to, and principally serves, eligible individuals (as so defined), a limited number of individuals who are unemployed because of limited skills, experience, or other barriers to employment, and who have an income below 100 percent of the Federal poverty line but who do not satisfy the definition of eligible individual (as so defined) may be served in the program to the extent the Secretaries determine that the inclusion of such individuals in the program is appropriate.

"(III) USE OF FUNDS.—Funds provided to a program under this clause may only be used in accordance with the following:

"(aa) To create subsidized transitional jobs in which work shall be performed directly for the program operator or at other public and non profit organizations (in this subclause referred to as 'worksites employers') in the community, and in which 100 percent of the wages shall be subsidized, except as described in item (ff) regarding placements in the private, for profit sector.

"(bb) Participants shall be paid at the rate paid to unsubsidized employees of the worksite employer who perform comparable work at the worksite where the individual is placed. If no other employees perform the same or comparable work then wages shall be set, at a minimum, at 50 percent of the Lower Living Standard Income Level (commonly referred to as the 'LLSIL'), as determined under section 101(24) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(24)), for a family of 3 based on 35 hours per week.

"(cc) Transitional jobs shall be limited to not less than 6 months and not more than 24 months, however, nothing shall preclude a participant from moving into unsubsidized employment at a point prior to the maximum duration of the transitional job placement. Participants shall be paid wages based on a workweek of not less than 30 hours per week or more than 40 hours per week, except that a parent of a child under the age of 6, a child who is disabled, or a child with other special needs, or an individual who for other reasons cannot successfully participate for 30

to 40 hours per week, may be allowed to participate for more limited hours, but not less than 20 hours per week. In any work week, 50 percent to 80 percent of hours shall be spent in the transitional job and 20 percent to 50 percent of hours shall be spent in education or training, or other services designed to reduce or eliminate any barriers.

“(dd) Program operators shall provide case management services and ensure access to appropriate education, training, and other services, including job accommodation, work supports, and supported employment, as appropriate and consistent with an individual plan that is based on the individual’s strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice and that is developed with each participant. The goal of each participant’s plan shall focus on preparation for unsubsidized jobs in demand in the local economy which offer the potential for advancement and growth. Services shall also include job placement assistance and retention services, which may include coaching and work place supports, for 12 months after entry into unsubsidized placement. Participants shall also receive support services such as subsidized child care and transportation, on the same basis as those services are made available to recipients of assistance under the State program funded under this part who are engaged in work-related activities.

“(ee) Providers shall work with individual recipients to determine eligibility for other employment-related supports which may include (but are not limited to) supported employment, other vocational rehabilitation services, and programs or services available under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), or the ticket to work and self-sufficiency program established under section 1148, and, to the extent possible, shall provide transitional employment in collaboration with entities providing, or arranging for the provision of, such other supports.

“(ff) Not more than 20 percent of the placements for a grantee shall be with a private for-profit company, except that such 20 percent limit may be waived by the Secretary for programs in rural areas when the grantee can demonstrate insufficient public and non-profit worksites. When a placement is made at a private for-profit company, the company shall pay 50 percent of program costs (including wages) for each participant, and the company shall agree, in writing, to hire each participant into an unsubsidized position at the completion of the agreed upon subsidized placement, or sooner, provided that the participant’s job performance has been satisfactory. Not more than 5 percent of the workforce of a private for-profit company may be composed of transitional jobs participants.

“(IV) DEFINITION OF TRANSITIONAL JOBS PROGRAM.—In this clause, the term ‘transitional jobs program’ means a program that is intended to serve current and former recipients of assistance under a State or tribal program funded under this part and other low-income individuals who have been unable to secure employment through job search or other employment-related services because of limited skills, experience, or other barriers to employment.

“(iii) CAPITALIZATION.—To develop capitalization procedures for the delivery of self-sustainable social services.

“(iv) ADMINISTRATIVE EXPENDITURES.—Not more than 5 percent of the funds awarded to an eligible applicant under this paragraph may be used for administrative expenditures incurred in carrying out the activities described in clause (i), (ii), or (iii) or for expenditures related to carrying out the assessments and reports required under subparagraph (H).

“(F) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this paragraph, the term ‘eligible individual’ means—

“(i) an individual who is a parent who is a recipient of assistance under a State or tribal program funded under this part;

“(ii) an individual who is a parent who has ceased to receive assistance under such a State or tribal program;

“(iii) an individual who is at risk of receiving assistance under a State or tribal program funded under this part;

“(iv) an individual with a disability; or

“(v) a noncustodial parent who is unemployed, or is having difficulty in paying child support obligations, including such a parent who is a former criminal offender.

“(G) APPLICATION.—Each eligible applicant desiring a grant under this paragraph shall submit an application to the Secretaries at such time, in such manner, and accompanied by such information as the Secretaries may require.

“(H) ASSESSMENTS AND REPORTS BY GRANTEES.—

“(i) IN GENERAL.—An eligible applicant that receives a grant under this paragraph shall assess and report on the outcomes of programs funded under the grant, including the identity of each program operator, demographic information about each participant, including education level, literacy level, prior work experience and identified barriers to employment, the nature of education, training, or other services received by the participant, the reason for the participant’s leaving the program, and outcomes related to the placement of the participant in an unsubsidized job, including 1-year employment retention, wage at placement, benefits, and earnings progression, as specified by the Secretaries.

“(ii) ASSISTANCE.—The Secretaries shall—

“(I) assist grantees in conducting the assessment required under clause (i) by making available where practicable low-cost means of tracking the labor market outcomes of participants; and

“(II) encourage States to provide such assistance.

“(I) APPLICATION TO REQUIREMENTS OF THE STATE PROGRAM.—

“(i) WORK PARTICIPATION REQUIREMENTS.—With respect to any month in which a recipient of assistance under a State or tribal program funded under this part who satisfactorily participates in a business linkage or transitional jobs program described in subparagraph (E) that is paid for with funds made available under a grant made under this paragraph, such participation shall be considered to satisfy the work participation requirements of section 407 and be included for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) of that section.

“(ii) PARTICIPATION NOT CONSIDERED ASSISTANCE.—A benefit or service provided with funds made available under a grant made under this paragraph shall not be considered assistance for any purpose under a State or tribal program funded under this part.

“(J) ASSESSMENTS BY THE SECRETARIES.—

“(i) RESERVATION OF FUNDS.—Of the amount appropriated under subparagraph (L) for each of fiscal years 2004 and 2005, \$3,000,000 of such amount for each such fiscal year is reserved for use by the Secretaries to prepare an interim and final report summarizing and synthesizing outcomes and lessons learned from the programs funded through grants awarded under this paragraph.

“(ii) INTERIM AND FINAL ASSESSMENTS.—With respect to the reports prepared under clause (i), the Secretaries shall submit—

“(I) the interim report not later than 4 years after the date of enactment of the Business Links Act of 2003; and

“(II) the final report not later than 6 years after such date of enactment.

“(K) EVALUATIONS.—

“(i) RESERVATION OF FUNDS.—Of the amount appropriated under subparagraph (L) for a fiscal year, an amount equal to 1.5 percent of such amount for each such fiscal year shall be reserved for use by the Secretaries to conduct evaluations in accordance with the requirements of clause (ii).

“(ii) REQUIREMENTS.—The Secretaries—

“(I) shall develop a plan to evaluate the extent to which programs funded under grants made under this paragraph have been effective in promoting sustained, unsubsidized employment for each group of eligible participants, and in improving the skills and wages of participants in comparison to the participants’ skills and wages prior to participation in the programs;

“(II) may evaluate the use of such a grant by a grantee, as the Secretaries deem appropriate, in accordance with an agreement entered into with the grantee after good-faith negotiations; and

“(III) shall include, as appropriate, the following outcome measures in the evaluation plan developed under subclause (I):

“(aa) Placements in unsubsidized employment.

“(bb) Retention in unsubsidized employment 6 months and 12 months after initial placement.

“(cc) Earnings of individuals at the time of placement in unsubsidized employment.

“(dd) Earnings of individuals 12 months after placement in unsubsidized employment.

“(ee) The extent to which unsubsidized job placements include access to affordable employer-sponsored health insurance and paid leave benefits.

“(ff) Comparison of pre- and post-program wage rates of participants.

“(gg) Comparison of pre- and post-program skill levels of participants.

“(hh) Wage growth and employment retention in relation to occupations and industries at initial placement in unsubsidized employment and over the first 12 months after initial placement.

“(ii) Recipient of cash assistance under the State program funded under this part.

“(jj) Average expenditures per participant.

“(iii) REPORTS TO CONGRESS.—The Secretaries shall submit to Congress the following reports on the evaluations of programs funded under grants made under this paragraph:

“(I) INTERIM REPORT.—An interim report not later than 4 years after the date of enactment of the Business Links Act of 2003.

“(II) FINAL REPORT.—A final report not later than 6 years after such date of enactment.

“(L) APPROPRIATION.—

“(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated for grants under this section, \$200,000,000 for each of fiscal years 2004 through 2008.

“(ii) AVAILABILITY.—Amounts appropriated under clause (i) for a fiscal year shall remain available for obligation for 5 fiscal years after the fiscal year in which the amount is appropriated.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003.

By Mr. LEAHY (for himself and Mr. KERRY):

S. 787. A bill to provide for the fair treatment of the Federal judiciary relating to compensation and benefits, and to instill greater public confidence in the Federal courts; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, Senator KERRY and I are pleased to introduce the "Fair and Independent Judiciary Act of 2003." This legislation arises from our belief that we must remain steadfast in our commitment to preserving the vitality of our third branch of government. Ensuring a fair and independent judiciary is critical to preserving the system of checks and balances established in our Constitution. The Fair and Independent Judiciary Act includes measures to respond to the shortfall in real judicial compensation, to repeal the link of judicial pay to congressional pay, to improve survivorship benefits, and to instill greater public confidence in our courts.

The National Commission on Public Service, a blue-ribbon panel of experts headed by Paul Volcker, recently concluded that Congress' budgetary treatment of this co-equal branch threatens its ability to perform its essential mission. This legislation addresses a problem that the Chief Justice has repeatedly brought to our attention—the decline in real judicial salaries.

As a member of both the Senate Judiciary Committee and the Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, I have worked hard to help preserve a fair and independent judiciary. I was very disappointed that the Continuing Resolutions approved by Congress failed to give the Federal judiciary a cost-of-living adjustment, COLA, for fiscal year 2003.

Earlier this year, Senator HATCH and I were joined by Senator DEWINE and Senator SPECTER to cosponsor legislation in the Senate to provide the Federal judiciary with a COLA for the present fiscal year. House Judiciary Chairman SENSENBRENNER was joined by that Committee's Ranking Democratic Member, Congressman CONYERS, and others to introduce identical legislation. Congress eventually passed a measure to give the Judiciary their cost of living adjustment for fiscal year 2003 but this effort failed to compensate the judiciary for many other previously skipped COLAs.

The Fair and Independent Judiciary Act would correct the earlier failures to provide COLAs and prevent this situation from happening again.

It is important to put our budgetary treatment of this co-equal branch in historical context. In 1975, Congress enacted the Executive Salary Cost-of-Living Adjustment Act, intended to give judges, Members of Congress and other high-ranking Executive Branch officials automatic COLAs as accorded other Federal employees unless rejected by Congress. In 1981, Congress enacted Section 140 of Public Law 97-92, mandating specific congressional action to give COLAs to judges.

Five times in the last decade Congress failed to provide the Judiciary with a COLA. We believe that this treatment was unfair to the judiciary and that we should restore their salaries to what they would have had the

COLAs been granted. In order to have their salaries reflect the current cost of living we should unlink the salaries of Members of Congress and Members of the Judiciary by repealing Section 140.

In their thorough report, the Volcker Commission recommended that Congress unlink judicial salaries from those of Members of Congress. The Commission explained that due to "the reluctance of members of Congress to risk the disapproval of their constituents . . . Congress has regularly permitted salaries to fall substantially behind cost-of-living increases." Urgent Business for America: Revitalizing the Federal Government for the 21st Century, January 2003, Recommendation 10. Therefore, the Commission found that "executive and judicial salaries must be determined by procedures that tie them to the needs of the government, not the career-related political exigencies of members of Congress."

The Fair and Independent Judiciary Act would restore the skipped cost of living adjustments that occurred in 1995, 1996, 1997, 1999 and 2002 so that the salaries of our judges and justices are not outpaced by inflation.

Chief Justice Rehnquist has called judicial pay "the most pressing issue" facing the courts.

We look forward to Senate consideration of the Fair and Independent Judiciary Act to restore previously skipped cost of living adjustments for the Justices and judges of the United States. We hope we can all work together to preserve the vitality of our third branch of government and to instill even greater confidence in our federal courts.

I ask unanimous consent that the January 6, 2003 editorial from the Washington Post, and the text of the bill be printed in the RECORD.

There being no objection, the bill and additional material was ordered to be printed in the RECORD, as follows:

MR. REHNQUIST'S PLEAS

Chief Justice William H. Rehnquist made two pleas in his year-end report. Neither is much of a surprise, because on both judicial salaries and the process by which judges get nominated and confirmed Mr. Rehnquist has spoken before. Yet familiarity should not obscure the importance of the subjects. The chief justice is correct, and the failure year after year of the political branches to remedy the problems of which he complains is harmful.

Mr. Rehnquist once again stressed that the need to increase judicial salaries is "the most pressing issue" facing the courts. There is something demeaning about the chief justice of the United States having to beg for the same cost-of-living adjustments for judges that other federal employees get as a matter of course. Congress's frequent failure in recent years to increase judicial compensation contravenes the promise it made in 1989, when it banned judges from making outside income and promised regular raises in exchange. Between 1969 and 2000, according to one study, real salaries for lower-court judges declined by 25 percent. And while judges got a raise last year, this year's cost-of-living increase is, Mr. Rehnquist notes, very much in doubt.

The problem is that Congress has irrationally linked judicial pay to the salaries of members of Congress, who face a political problem whenever they seek to jack up their own paychecks. The judges end up hostage to congressional cowardice. This disparity between their salaries and other lawyer compensation is enormous and growing. This encourages judges to leave the bench, and provides a substantial disincentive for first-rate people to become federal judges in the first place.

Mr. Rehnquist also gave a timely reminder that the judicial nominations process needs work. The chief justice is one of the few people who has advocated for a reasonable process irrespective of which party controls the presidency or the Senate. So Mr. Rehnquist speaks with unusual moral authority on this subject. And while he notes approvingly the 100 judges the 107th Congress confirmed, he warns that the problem has not gone away. Having unified government may temporarily ease the vacancy problem, he writes, but "there will come a time when [unified government] is not the case, and the judiciary will again suffer the delays of a drawn-out confirmation process." Mr. Rehnquist rightly urged that the political branches use this respite to "fix the underlying problems that have bogged down the . . . process for so many years." On both pay and nominations, one can only wonder how many more years the chief justice will have to repeat himself before reason prevails.

S. 787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair and Independent Federal Judiciary Act of 2003".

SEC. 2. SALARY ADJUSTMENTS.

(a) RESTORATION OF STATUTORY COST-OF-LIVING ADJUSTMENTS.—The annual salaries for justices and judges are the following:

- (1) Chief Justice of the Supreme Court, \$211,300.
- (2) Associate Justices of the Supreme Court, \$202,100.
- (3) Judges, Court of Appeals, \$174,600.
- (4) Judges, Court of Military Appeals, \$174,600.
- (5) Judges, District Court, \$164,700.
- (6) Judges, Court of Federal Claims, \$164,700.
- (7) Judges, Court of International Trade, \$164,700.
- (8) Judges, Tax Court, \$164,700.
- (9) Judges, Bankruptcy, \$151,524.

(b) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 3. REPEAL OF ANNUAL CONGRESSIONAL AUTHORIZATION FOR COST OF LIVING ADJUSTMENT.

Section 140 of Public Law 97-92 (28 U.S.C. 461 note) is repealed.

SEC. 4. SURVIVOR BENEFITS UNDER JUDICIAL SYSTEM AND OTHER SYSTEMS.

(a) CREDITABLE YEARS OF SERVICE.—Section 376 of title 28, United States Code, is amended—

- (1) in subsection (k)(3), by striking the colon through "this section"; and
- (2) in subsection (r), by striking the colon through "other annuity".

(b) NOTIFICATION PERIOD FOR SURVIVOR ANNUITY COVERAGE.—

(1) IN GENERAL.—Section 376 (a)(1) of title 28, United States Code, is amended in the matter following subparagraph (G) by striking "six months" and inserting "1 year".

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply only to written notifications

received by the Director of the Administrative Office of the United States Courts after the dates described under clause (i) or (ii) in the matter following subparagraph (G) of section 376 (a)(1) of title 28, United States Code.

SEC. 5. CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION.

(a) APPOINTMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the President shall appoint members to the Citizens' Commission on Public Service and Compensation under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.).

(2) MEMBERSHIP.—Section 225(b) of the Federal Salary Act of 1967 (2 U.S.C. 352) is amended—

(A) by striking paragraph (1) and inserting the following:

“(1) The Commission shall be composed of 11 members, who shall be appointed from private life by the President. No more than 6 members of the Commission may be affiliated with the same political party.”;

(B) by striking paragraph (4); and

(C) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively.

(3) QUADRENNIAL APPLICATION.—Section 225(b)(8)(B) of the Federal Salary Act of 1967 (2 U.S.C. 352(8)(B)), is amended in the first sentence by striking “1993” each place that term appears and inserting “2006” in each such place.

(b) REPORT.—The Citizens' Commission on Public Service and Compensation shall prepare a report in accordance with section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.) with respect to fiscal year 2003 and every fourth fiscal year thereafter.

SEC. 6. JUDICIAL EDUCATION FUND.

(a) ESTABLISHMENT.—Chapter 42 of title 28, United States Code, is amended by adding at the end the following:

“§630. Judicial Education Fund

“(a) In this section, the term—

“(1) ‘institution of higher education’ has the meaning given under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

“(2) ‘private judicial seminar’—

“(A) means a seminar, symposia, panel discussion, course, or a similar event that provides continuing legal education to judges; and

“(B) does not include—

“(i) seminars that last 1 day or less and are conducted by, and on the campus of, an institute of higher education;

“(ii) seminars that last 1 day or less and are conducted by national bar associations or State or local bar associations for the benefit of the bar association membership; or

“(iii) seminars of any length conducted by, and on the campus of an institute of higher education or by national bar associations or State or local bar associations, where a judge is a presenter and at which judges constitute less than 25 percent of the participants;

“(3) ‘national bar association’ means a national organization that is open to general membership to all members of the bar; and

“(4) ‘State or local bar association’ means a State or local organization that is open to general membership to all members of the bar in the specified geographic region.

“(b) There is established within the United States Treasury a fund to be known as the ‘Judicial Education Fund’ (in this section referred to as the ‘Fund’).

“(c) Amounts in the Fund may be made available for the payment of necessary expenses, including reasonable expenditures for transportation, food, lodging, private judi-

cial seminar fees and materials, incurred by a judge or justice in attending a private judicial seminar approved by the Board of the Federal Judicial Center. Necessary expenses shall not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the private judicial seminar. Any payment from the Fund shall be approved by the Board.

“(d) The Board may approve a private judicial seminar after submission of information by the sponsor of that private judicial seminar that includes—

“(1) the content of the private judicial seminar (including a list of presenters, topics, and course materials); and

“(2) the litigation activities of the sponsor and the presenters at the private judicial seminar (including the litigation activities of the employer of each presenter) on the topic related to those addressed at the private judicial seminar.

“(e) If the Board approves a private judicial seminar, the Board shall make the information submitted under subsection (d) relating to the private judicial seminar available to judges and the public by posting the information on the Internet.

“(f) The Judicial Conference shall promulgate guidelines to ensure that the Board only approves private judicial seminars that are conducted in a manner so as to maintain the public's confidence in an unbiased and fair-minded judiciary.

“(g) There are authorized to be appropriated for deposit in the Fund \$2,000,000 for each of fiscal years 2003, 2004, and 2005, to remain available until expended.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 42 of title 28, United States Code, is amended by adding at the end the following:

“§630. Judicial Education Fund.”.

SEC. 7. PRIVATE JUDICIAL SEMINAR GIFTS PROHIBITED.

(a) DEFINITIONS.—In this section, the term—

(1) “institution of higher education” has the meaning given under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

(2) “private judicial seminar”—

(A) means a seminar, symposia, panel discussion, course, or a similar event that provides continuing legal education to judges; and

(B) does not include—

(i) seminars that last 1 day or less and are conducted by, and on the campus of, an institute of higher education;

(ii) seminars that last 1 day or less and are conducted by national bar associations or State or local bar associations for the benefit of the bar association membership; or

(iii) seminars of any length conducted by, and on the campus of an institute of higher education or by national bar associations or State or local bar associations, where a judge is a presenter and at which judges constitute less than 25 percent of the participants.

(3) “national bar association” means a national organization that is open to general membership to all members of the bar; and

(4) “State or local bar association” means a State or local organization that is open to general membership to all members of the bar in the specified geographic region.

(b) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Judicial Conference of the United States shall promulgate regulations to apply section 7353(a) of title 5, United States Code, to prohibit the solicitation or acceptance of anything of value in connection with a private judicial seminar.

(c) EXCEPTION.—The prohibition under the regulations promulgated under subsection (b) shall not apply if—

(1) the judge participates in a private judicial seminar as a speaker, panel participant, or otherwise presents information;

(2) Federal judges are not the primary audience at the private judicial seminar; and

(3) the thing of value accepted is—

(A) reimbursement from the private judicial seminar sponsor of reasonable transportation, food, or lodging expenses on any day on which the judge speaks, participates, or presents information, as applicable;

(B) attendance at the private judicial seminar on any day on which the judge speaks, participates, or presents information, as applicable; or

(C) anything excluded from the definition of a gift under regulations of the Judicial Conference of the United States under sections 7351 and 7353 of title 5, United States Code, as in effect on the date of enactment of this Act.

SEC. 8. RECUSAL LISTS.

Section 455 of title 28, United States Code, is amended by adding at the end the following:

“(g)(1) Each justice, judge, and magistrate of the United States shall maintain a list of all financial interests that would require disqualification under subsection (b)(4).

“(2) Each list maintained under paragraph (1) shall be made available to the public at the office of the clerk for the court at which a justice, judge, or magistrate is assigned.”.

SEC. 9. AVOIDING IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

In accordance with the Code of Conduct for United States Judges, a judge must avoid all impropriety and appearance of impropriety. The prohibition against behaving with impropriety applies to both the professional and personal conduct of a judge. Therefore, a judge should not hold membership in any organization, except for religious or fraternal organizations, that practices discrimination on the basis of race, gender, religion, or national origin.

By Mr. HOLLINGS (for himself, Mr. BROWNBACK, Mr. ROCKEFELLER, Mr. INOUE, Ms. CANTWELL, and Mr. KERRY):

S. 788. A bill to enable the United States to maintain its leadership in aeronautics and aviation; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise today to address a crucial issue that is affecting our competitiveness in the world economy. Since that first flight in 1903 when the Wright brothers took off on our great journey, the United States has piloted the course of aerospace and aviation technology development. Now that leading role is being threatened. The European Union has embarked on an ambitious plan to dominate the industry that historically we have led. Last year, for the first time, Airbus surpassed Boeing, by grabbing 54 percent of the market share in terms of aircraft units.

Air travel is critical to our competitiveness in the global economy. The movement of passengers and goods throughout our nation feeds American business and keeps us close to our families and friends. The impact of civil aviation on the U.S. economy exceeds \$900 billion a year, which is 9 percent of

the Gross National Product. In terms of jobs, civil aviation employs 11 million Americans. We can not sit idle as this important industry is threatened.

To compete we must have the most advanced and safest technology; yet the Air Traffic Management System in the United States is still reliant on ground-based technology that was developed over 30 years ago. Congress, FAA, NASA and the aviation industry must work together to update this system to accommodate future aviation demand and to take advantage of satellite navigation and advances in aircraft avionics. Historically upgrades to air traffic management have been slow and often come in over budget. We must focus on creating the next generation of air traffic management technology in a more efficient and effective manner that will enhance safety and increase capacity.

Aerospace and aviation advancement are also dependent upon a well-trained and skilled workforce. According to the Commission Report on Aerospace, 26 percent of the science, engineering and manufacturing workforce will be eligible to retire in the next five years. New entrants to the aerospace industry are at a historical low as the number of layoffs have increased. In order to maintain our dominance in aerospace, we must continue to foster a qualified workforce.

Our international competitors have been persistent in providing government support to aerospace research and aeronautical advancement. The subsidies offered by our foreign competitors, hinder the U.S. companies that often bear the majority of the burden for research and development. In order to give our companies a competitive advantage and to ensure that advances in aviation and aerospace technology continue, Congress must invest ample resources in fundamental aeronautical research. The President's FY 04 budget proposal cuts investment in FAA and NASA research, engineering and development. This will only hasten our descent in this industry. During this time of competing interests for the Federal dollar we cannot be too quick to divest ourselves from needed research that will renew our aviation business and maintain our global dominance.

To turn an idea into a product, the process is often tedious and long. NASA and FAA must promote technological advancement and enable American industry to bring their products to market. Collaboration with government and industry is critical to ensure that research efforts lead to viable products that will enhance our aerospace and aviation industry.

As we reflect on the last 100 years of advancement in the aviation and aerospace fields we cannot help to be proud of our accomplishments. But, we cannot afford to be content with those successes. We must look higher, faster, and farther than we have before—that is the American prerogative. And so

with the help of my colleagues Senators BROWNBACK, ROCKEFELLER, INOUE, CANTWELL and KERRY, I have crafted legislation to increase aeronautical research, nurture our industry's workforce, and ensure a collaborative partnership between government and private industry with the goal of ensuring the "Second Century of Flight" is as exciting and awe inspiring as the first.

By Mr. Nelson of Florida (for himself and Mrs. BOXER):

S. 789. A bill to change the requirements for naturalization through service in the Armed Forces of the United States; to the Committee on the Judiciary.

Mr. NELSON, of Florida. Mr. President, I rise on behalf of myself and Mrs. BOXER to introduce the Citizenship for Servicemembers Act of 2003. This legislation reduces the waiting period for service members during peace time from 3 years to 2 years, waives all fees related to naturalization, and allows for naturalization proceedings to occur overseas.

Everyday now we see our young men and women fighting and dying in Iraq and Afghanistan to protect freedom and democracy. One of the strengths of our military has always been its diversity. From the birth of our Nation, our military has attracted people from all walks of life including people who have immigrated to the United States to pursue freedom, prosperity, and security.

Young men and women join the military in the hopes of achieving a better life while serving our country in the most difficult and honorable way. These young people enjoy various benefits for volunteering to protect American citizens such as assistance with college tuition, a secure and rewarding career in the military, and for some, the hope of gaining American citizenship.

Non-citizens fighting in our military side by side with American citizens is a tradition that dates back to the Civil War, when recently arrived Irish immigrants fought for the Union. After World Wars I and II over 140,000 legal permanent resident participants gained citizenship. Currently there are 3,400 legal permanent residents in the Marines alone who have been deployed overseas. Further, Miami, FL and Los Angeles, CA contribute the second and third highest number of legal permanent residents to the military.

Under current law, in the absence of an Executive Order eliminating the time of service requirement altogether, men and women may apply for citizenship after completing three years of service. This legislation would shorten that period to 2 years making it more likely that the service member will gain citizenship prior to finishing his first enlistment. Additionally, this legislation waives all fees related to naturalization eliminating a possible financial barrier. Finally, this bill allows for

service members to complete the naturalization process overseas eliminating the sometimes unnecessarily lengthy and expensive trips back to the United States.

Citizenship is a momentous honor and the ultimate goal of nearly every person who immigrates to the United States. Naturalization is especially critical to the thousands of young men and women who are placing their lives at risk every day to defend the citizens and ideals of the United States. These men and women desire citizenship so that they can become a recognized member of the country that they have chosen to defend.

In addition, citizenship confers certain benefits upon servicemen and women. For example, while a legal permanent resident may enlist in the United States military, he or she is barred from becoming a commissioned officer, obtaining positions that require security clearances, becoming a part of any aircrews or rising to the level of special operations.

We continue to see the great sacrifices these young men and women make on a daily basis. There is no greater show of patriotism than to join our armed forces and fight under the American flag. Over 30,000 men and women from countries ranging from Canada to Japan to Cuba have volunteered to put their lives on the line to defend the United States. We owe it to these brave men and women to help them obtain the citizenship they have clearly earned.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Citizenship for Servicemembers Act of 2003".

SEC. 2. REQUIREMENTS FOR NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

(a) REDUCTION OF PERIOD FOR REQUIRED SERVICE.—Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1439(a)) is amended by striking "three years" and inserting "2 years".

(b) PROHIBITION ON IMPOSITION OF FEES RELATING TO NATURALIZATION.—Title III of the Immigration and Nationality Act (8 U.S.C. 301 et seq.) is amended—

(1) in section 328(b)—

(A) in paragraph (3)—

(i) by striking "honorable. The" and inserting "honorable (the)"; and

(ii) by striking "discharge." and inserting "discharge); and"; and

(B) by adding at the end the following:

"(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in

which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.”; and

(2) in section 329(b)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.”.

(c) **NATURALIZATION PROCEEDINGS OVERSEAS FOR MEMBERS OF THE ARMED FORCES.**—Notwithstanding any other provision of law, the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense shall ensure that any applications, interviews, filings, oaths, ceremonies, or other proceedings under title III of the Immigration and Nationality Act (8 U.S.C. 301 et seq.) relating to naturalization of members of the Armed Forces are available through United States embassies, consulates, and as practicable, United States military installations overseas.

(d) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 328(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1439(b)(3)) is amended by striking “Attorney General” and inserting “Secretary of Homeland Security”.

By Mr. LUGAR:

S. 790. A bill to authorize appropriations for the Department of State for fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, by request, I introduce for appropriate reference a bill entitled the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005.

This proposed legislation has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as to make any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD, together with a section-by-section analysis of the bill and the letter from the Assistant Secretary of State for Legislative Affairs dated April 2, 2003.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Foreign Relations Authorization Act, Fiscal Years 2004 and 2005.”

SEC. 2. ORGANIZATION OF ACT INTO TITLES; TABLE OF CONTENTS.

(a) TITLES.—This Act is organized into eight Titles as follows:

TITLE I—AUTHORIZATION OF APPROPRIATIONS

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

TITLE IV—INTERNATIONAL ORGANIZATIONS

TITLE V—SUPPORTING THE WAR ON TERRORISM

TITLE VI—SECURITY ASSISTANCE

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003

TITLE VIII—MISCELLANEOUS PROVISIONS

Subtitle A—Streamlining Reporting Requirements

Subtitle B—Other Matters

(b) The table of contents for this Act is as follows:

Sec. 1. Short Title

Sec. 2. Organization of Act into Titles; Table of Contents

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Administration of Foreign Affairs

Sec. 102. International Organizations and Conferences

Sec. 103. International Commissions

Sec. 104. Migration and Refugee Assistance

Sec. 105. Centers and Foundations

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Sec. 201. Reimbursement Rate for Airlift Services Provided to the Department of State

Sec. 202. Grant Authority to Promote Biotechnology

Sec. 203. Immediate Response Facilities

Sec. 204. Mine Action Programs Grant Authority

Sec. 205. The U.S. Diplomacy Center

Sec. 206. Public Affairs Grant Authority

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Sec. 301. Cost of Living Allowances

Sec. 302. Waiver of Annuity Limitations on Re-Employed Foreign Service Annuitants

Sec. 303. Fellowship of Hope Program

Sec. 304. Claims for Lost Pay

Sec. 305. Suspension or Enforced Leave

Sec. 306. Home Leave

Sec. 307. Ombudsman for the Department of State

Sec. 308. Repeal of Recertification Requirement for Senior Foreign Service

TITLE IV—INTERNATIONAL ORGANIZATIONS

Sec. 401. Raising the Cap on Peacekeeping Contributions

TITLE V—SUPPORTING THE WAR ON TERRORISM

Sec. 501. Designation of Foreign Terrorist Organizations

TITLE VI—SECURITY ASSISTANCE

Sec. 601. Restrictions on Economic Support Funds for Lebanon

Sec. 602. Thresholds for Congressional Notification of FMS and Commercial Arms Transfers

Sec. 603. Bilateral Agreement Requirements Relating to Licensing of Defense Exports

Sec. 604. Authorization of Appropriations—Foreign Military Financing, International Military Education and Training, and Nonproliferation, Anti-Terrorism, Demining, and Related Programs

Sec. 605. Cooperative Threat Reduction Permanent Waiver

Sec. 606. Congressional Notification for Comprehensive Defense Export Authorizations

Sec. 607. Expansion of Authorities for Loan of Material, Supplies, and Equipment for Research and Development Purposes

Sec. 608. Establish Dollar Threshold for Congressional Notification of Excess Defense Articles that are Significant Military Equipment

Sec. 609. Waiver of Net Proceeds Resulting from Disposal of U.S. Defense Articles Provided to a Foreign Country on a Grant Basis

Sec. 610. Transfer of Certain Obsolete or Surplus Defense Articles in the War Reserve Stockpiles for Allies to Israel

Sec. 611. Additions to U.S. War Reserve Stockpiles for Allies

Sec. 612. Provision of Cataloging Data and Services

Sec. 613. Provision to Exercise Waivers with Respect to Pakistan

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003

Sec. 701. Short Title

Sec. 702. Inadmissibility of Aliens Supporting International Child Abductors and Relatives of Such Abductors

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Reports on Benchmarks for Bosnia

Sec. 802. Report Concerning the German Foundation “Remembrance, Responsibility, and the Future”

Sec. 803. Report on Progress in Cyprus

Sec. 804. Reports on Activities in Colombia

Sec. 805. Report on Extradition of Narcotics Traffickers

Sec. 806. Report on Terrorist Activity in Which United States Citizens Were Killed and Related Matters

Sec. 807. Report and Waiver Regarding Embassy in Jerusalem

Sec. 808. Report on Progress toward Regional Nonproliferation

Sec. 809. Report on Annual Estimate and Justification for Sales Program

Sec. 810. Report on Foreign Military Training

Sec. 811. Report on Human Rights Violations by IMET Participants

Sec. 812. Report on Development of the European Security and Defense Identity (ESDI) Within the NATO Alliance

Sec. 813. Report on Transfers of Military Sensitive Technology to Countries and Entities of Concern

Sec. 814. Nuclear Reprocessing Transfer Waiver

Sec. 815. Complex Foreign Contingencies

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under “Administration of Foreign Affairs” to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States and for other purposes authorized by law:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For “Diplomatic and Consular Programs” of the Department of State \$4,163,544,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(A) WORLDWIDE SECURITY UPGRADES.—Of the amounts authorized to be appropriated by subparagraph (1), \$646,701,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005 are authorized to be appropriated only for worldwide security upgrades.

(2) CAPITAL INVESTMENT FUND.—For “Capital Investment Fund” of the Department of State, \$157,000,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—For “Embassy Security, Construction and Maintenance,” \$1,514,400,000 for the fiscal year 2004, and such sums as may be necessary for fiscal year 2005.

(4) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—For “Educational and Cultural Exchange Programs,” \$345,346,000 for the fiscal year 2004, and such sums as may be necessary for fiscal year 2005.

(5) REPRESENTATION ALLOWANCES.—For “Representation Allowances,” \$9,000,000 for the fiscal year 2004, and such sums as may be necessary for fiscal year 2005.

(6) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For “Protection of Foreign Missions and Officials,” \$10,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(7) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For “Emergencies in the Diplomatic and Consular Service,” \$1,000,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(8) REPATRIATION LOANS.—For “Repatriation Loans,” \$1,219,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(9) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For “Payment to the American Institute in Taiwan,” \$19,773,000 for the fiscal year 2004, and such sums as may be necessary for fiscal year 2005.

(10) OFFICE OF THE INSPECTOR GENERAL.—For “Office of the Inspector General,” \$31,703,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

SEC. 102. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated for “Contributions to International Organizations,” \$1,010,463,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated for “Contributions for International Peacekeeping Activities,” \$550,200,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005, for the Department of State to carry out the authorities, functions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes. Funds appropriated pursuant to this paragraph are authorized to be available until expended.

(c) FOREIGN CURRENCY EXCHANGE RATES.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as

may be necessary for each of the fiscal years 2004 and 2005 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under “International Commissions” for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(a) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For “International Boundary and Water Commission, United States and Mexico”—

(1) for “Salaries and Expenses,” \$31,562,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005; and

(2) for “Construction,” \$8,901,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005;

(b) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For “International Boundary Commission, United States and Canada,” \$1,261,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(c) INTERNATIONAL JOINT COMMISSION.—For “International Joint Commission,” \$7,810,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(d) INTERNATIONAL FISHERIES COMMISSIONS.—For “International Fisheries Commissions,” \$20,043,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

There are authorized to be appropriated for “Migration and Refugee Assistance” for authorized activities \$760,197,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

SEC. 105. CENTERS AND FOUNDATIONS.

(a) ASIA FOUNDATION.—There are authorized to be appropriated for “The Asia Foundation” for authorized activities, \$9,250,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(b) NATIONAL ENDOWMENT FOR DEMOCRACY.—There are authorized to be appropriated for the “National Endowment for Democracy” for authorized activities, \$36,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(c) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—There are authorized to be appropriated for the “Center for Cultural and Technical Interchange Between East and West” for authorized activities, \$14,280,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SEC. 201. REIMBURSEMENT RATE FOR AIRLIFT SERVICES PROVIDED TO THE DEPARTMENT OF STATE.

Section 2642(a) of Title 10 (10 U.S.C. 2642(a)) is amended by inserting “or the Department of State” after “Central Intelligence Agency”.

SEC. 202. GRANT AUTHORITY TO PROMOTE BIOTECHNOLOGY.

The Secretary of State is authorized to support, by grants, cooperative agreements or contract, outreach and public diplomacy activities regarding the benefits of agricultural biotechnology, science-based regulatory systems, and the application of the technology

for trade and development. Except as otherwise specifically authorized, the total amount of grants made in any one fiscal year pursuant to this authority shall not exceed \$500,000.

SEC. 203. IMMEDIATE RESPONSE FACILITIES.

(a) Section 604(b) of the Secure Embassy Construction and Counterterrorism Act of 1999 (P.L. 106-113, 22 U.S.C. 4865 note) is amended by:

(1) redesignating subsection (b)(1) as “(b)(1)(A)” and by redesignating subsection (b)(2) as “(b)(1)(B)”;

(2) by deleting the period after the words “set forth in section 606” at the end of subsection (b), and adding the following: “; or

“(2) providing facilities to support immediate response efforts in times of emergency.”

(b) The Foreign Service Buildings Act of 1926 (P.L. 69-186, 22 U.S.C. 292 et seq.) is amended by adding the following new section at the end:

“SEC. 13. Of the amounts appropriated to carry out the Foreign Service Buildings Act of 1926 and the Secure Embassy Construction and Counterterrorism Act 10 of 1999, not to exceed \$15,000,000 in any fiscal year may be made available to provide immediate response diplomatic facilities through a reprogramming of funds, notwithstanding any advance congressional notification requirements contained in any other law. In the case of any such reprogramming that would otherwise be subject to a requirement of advance congressional notification, notification to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives shall be provided as soon as practicable, but not later than 3 days after the obligation or expenditure of such funds and shall contain an explanation of the circumstances requiring the deployment of immediate response facilities.”

SEC. 204. MINE ACTION PROGRAMS GRANT AUTHORITY.

The Secretary of State is authorized to support public-private partnerships for mine action programs by grant, cooperative agreement, or contract. Except as otherwise specifically authorized, the total amount of grants made in any one fiscal year pursuant to this authority shall not exceed \$450,000.

SEC. 205. THE U.S. DIPLOMACY CENTER.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding the following new section:

“SEC. 59. THE U.S. DIPLOMACY CENTER.

“(a) ACTIVITIES.—

“(1) The Secretary of State is authorized to provide—by contract, grant or otherwise—for appropriate museum visitor and educational outreach services, including but not limited to, organizing conference activities, museum shop, and food services, in the public exhibit and related space utilized by the U.S. Diplomacy Center (“USDC”) program.

“(2) The Secretary of State may pay all reasonable expenses of conference activities conducted by the USDC, including refreshments and travel of participants.

“(3) Any revenues generated under the authority of paragraph (1) for visitor services may be retained and credited to any appropriate Department of State appropriation to recover the costs of operating the USDC.

“(b) DISPOSITION OF USDC ARTIFACTS AND MATERIALS.—

“(1) All historic documents, artifacts or other articles permanently acquired by the Department of State and determined by the Secretary of State to be suitable for display in the USDC shall be considered to be the

property of the Secretary in his or her official capacity and shall be subject to disposition solely in accordance with this subsection.

"(2) SALE OR TRADE—Whenever the Secretary of State or his/her designee determines that—

"(A) any item covered by paragraph (1) no longer serves to further the purposes of the USDC as established in the Collections Management Policy, or

"(B) in order to maintain the standards of the collections of the USDC, a better use of that article would be its sale or exchange, "the Secretary may sell the item at fair market value, trade, or transfer it, without regard to the requirements of the Federal Property and Administrative Services Act of 1949. The proceeds of any such sale may be used solely for the advancement of the USDC's mission; in no event shall proceeds be used for anything other than acquisition or direct care of collections.

"(3) LOANS—The Secretary of State may also lend items covered by paragraph (1), when not needed for use or display in the USDC, to the Smithsonian Institution or a similar institution for repair, study, or exhibition."

(c) Except as may be identified subject to reprogramming procedures, the Bureau of Public Affairs may not expend more than \$950,000 for fiscal year 2004, and such sums as may be necessary for fiscal year 2005, for the U.S. Diplomacy Center.

SEC. 206. PUBLIC AFFAIRS GRANT AUTHORITY.

To the extent that the Secretary of State is otherwise authorized by law to provide for public affairs activities, the Secretary may do so by grant, cooperative agreement, or contract.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

SEC. 301. COST OF LIVING ALLOWANCES.

Section 5924 of Title 5, United States Code, is amended as follows:

(a) by revising section (4)(A) to read as follows:

"(A) An allowance not to exceed the cost of obtaining such kindergarten, elementary and secondary educational services as are ordinarily provided without charge by the public schools in the United States (including activities required for successful completion of a grade or course and such educational services as are provided by the States under the Individuals with Disabilities Education Act), plus in those cases when adequate schools are not available at the post of the employee, board and room, and periodic transportation between that post and the school chosen by the employee, not to exceed the total cost to the Government of the dependent attending an adequate school in the nearest United States locality where an adequate school is available, without regard to section 3324(a) and (b) of title 31. When travel from school to post is infeasible, travel may be allowed between the school attended and the home of a designated relative or family friend or to join a parent at any location, with the allowable travel expense not to exceed the cost of travel between the school and post. The amount of the allowance granted shall be determined on the basis of the educational facility used."

(b) by revising section (4)(B) to read as follows:

"(B) The travel expenses of dependents of an employee to and from a secondary, post-secondary or post-baccalaureate educational institution, not to exceed one annual trip each way for each dependent. An allowance payment under subparagraph (A) of this paragraph (4) may not be made for a dependent during the 12 months following his ar-

rival at the selected educational institution under authority contained in this subparagraph (B).", and

(c) by inserting a new section 4(C) as follows:

"(C) Allowances provided pursuant to subparagraphs (A) and (B) above may include, at the election of the employee and in lieu of transportation thereof, payment or reimbursement of the costs incurred to store the baggage at or in the vicinity of the school during the dependent's annual trip between the school and the employee's duty station, provided that such payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage with the dependent in connection with the annual trip."

SEC. 302. WAIVER OF ANNUITY LIMITATIONS ON RE-EMPLOYED FOREIGN SERVICE ANNUITANTS.

(a) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended to read as follows:

"(g) The Secretary may waive the application of paragraphs (a) through (d) of this section, on a case by case basis, for an annuitant re-employed on a temporary basis—

(i) if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

(ii) in positions for which there is exceptional difficulty in recruiting or retaining a qualified employee."

(b) Effective October 1, 2005, section 824(g), as amended by this section, is further amended to read as follows:

"(g) The Secretary may waive the application of paragraphs (a) through (d) of this section, on a case by case basis, for an annuitant re-employed on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances."

SEC. 303. FELLOWSHIP OF HOPE PROGRAM.

The Secretary of State is authorized to establish the Fellowship of Hope program under which employees of the governments of designated countries may be assigned to an office of profit or trust in the Department of State and continue to receive salary and other benefits from those governments, in exchange for assignments of a member of the Foreign Service to the governments of the designated foreign countries. The Secretary of State shall administer this program in a manner consistent with the national security and foreign policy interests of the United States, in consultation with the Attorney General and the Director of Central Intelligence.

SEC. 304. CLAIMS FOR LOST PAY.

Section 2 of the State Department Basic Authorities Act (22 U.S.C. 2669) is amended by adding a new subsection (o) as follows:

"(o) make administrative corrections or adjustments to an employee's pay, allowances, or differentials, resulting from mistakes or retroactive personnel actions, as well as provide back pay and other categories of payments under the Back Pay Act as part of the settlement or compromise of administrative claims or grievances filed against the Department."

SEC. 305. SUSPENSION OR ENFORCED LEAVE.

(a) Notwithstanding any other provision of law, and pending final resolution of the matter, the Secretary may suspend a member of the Foreign Service without pay, or place the member on enforced leave without pay,

(1) where there is an investigation regarding the revocation of an employee's security clearance or a suspension of an employee's security clearance; or

(2) where there is reasonable cause to believe a member has committed a crime for

which a sentence of imprisonment may be imposed and there is a nexus to the efficiency of the Service; or

(3) for such other cause as will promote the efficiency of the service;

(b) Any member suspended or placed on enforced leave pursuant to subsection (a) shall be entitled to—

(1) at least 30 days advance written notice of the specific reasons for such suspension, unless there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed;

(2) a reasonable time, not less than seven days, to answer orally and in writing;

(3) be represented by an attorney or other representative; and

(4) a final written decision.

(c) Any member suspended or placed on enforced leave pursuant to this section shall be entitled to grieve such action in accordance with procedures applicable to grievances under chapter 11 of this Act. The review by the Foreign Service Grievance Board with respect to such a grievance shall be limited:

(1) in the case of an action pursuant to subparagraph

(a)(1) only to a determination whether the procedures set forth in subsection (b) were followed, and

(2) in the case of an action pursuant to subparagraph (a)(2), only to a determination of whether the reasonable cause requirements have been fulfilled and whether there is a nexus between the conduct and the efficiency of the Service; and

(3) in the case of a suspension pursuant to subparagraph (a)(3), only to a determination whether the action promotes the efficiency of the service.

(4) In no case regarding an appeal pursuant to this section may the Foreign Service Grievance Board order prescriptive relief.

SEC. 306. HOME LEAVE.

(a) Section 901(6) of the Foreign Service Act (22 U.S.C. 4081(6)) is amended by striking "unbroken by home leave" wherever that phrase occurs.

(b) Section 903(a) of the Foreign Service Act (22 U.S.C. 4083) is amended by striking "18 months" and inserting "12 months."

SEC. 307. OMBUDSMAN FOR THE DEPARTMENT OF STATE.

(a) There is established in the Office of the Secretary of State the position of Ombudsman. The Ombudsman shall report directly to the Secretary of State.

(b) At the discretion of the Secretary of State, the Ombudsman shall participate in meetings regarding the management of the Department in order to assure that all employees may contribute to the achievement of the Department's responsibilities and to promote the career interests of all employees.

(c) CONFORMING AMENDMENT.—Subsection (c) of section 172 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (as codified in 22 U.S.C. 2664a(c)) is deleted, and subsection (d) renumbered accordingly.

SEC. 308. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.

Section 305(d) of the Foreign Service Act of 1980 (22 U.S.C. 3945(d)) is hereby repealed.

TITLE IV—INTERNATIONAL ORGANIZATIONS

SEC. 401. RAISING THE CAP ON PEACEKEEPING CONTRIBUTIONS.

(a) IN GENERAL.—Section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by amending subparagraph (B), added by Section 402 of P.L. 107-228 (FY 2003 Foreign Relations Authorization Act), to amend subparagraph (iv) as follows and add subparagraph (v) at the end:

“(iv) For assessments made during calendar year 2004, 27.1 percent.

“(v) For assessments made during calendar year 2005, 27.1 percent.”

TITLE V—SUPPORTING THE WAR ON TERRORISM

SEC. 501. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended as follows:

(a) DURATION OF DESIGNATION.—

(1) In subparagraph 219(a)(4)(A), by striking the words “Subject to paragraphs (5) and (6), a” and adding “A” and by striking the words “for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)” and adding “until revoked under paragraphs (5) or (6) or set aside pursuant to subparagraph (c)” in lieu thereof.

(2) by revising subparagraph 219(a)(4)(B) to read as follows:

“(B) REVIEW OF DESIGNATION UPON PETITION.—

“(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in (ii)–(iii) if the designated organization files a petition for revocation within the petition period. If the organization has not previously filed a petition for revocation under this subparagraph, the petition period begins once two years have elapsed from the date of designation. If the designated organization has previously filed a petition under this subparagraph, then the petition period begins once two years have elapsed from the date of its last petition.

“(ii) PROCEDURES.—Any foreign terrorist organization that submits a petition under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) no longer exist with respect to the organization.

“(iii) The Secretary shall complete his or her review of any petition from a designated organization that is filed within the petition 20 period and shall make a determination concerning revocation of the designation within 180 days after receiving the petition. The Secretary may consider classified information in making a determination in response to a petition. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c). A determination under this clause shall be published in the Federal Register, and any revocation under this subparagraph shall be made under the procedures set forth in paragraph (6).

(3) by adding a new subparagraph 219(a)(4)(C) to read as follows:

“(C) OTHER REVIEW OF DESIGNATION.—

“(i) IN GENERAL.—The Secretary shall review the designation of each foreign terrorist organization at least once every four years in order to determine whether it should be revoked pursuant to paragraph (6). If such review does not take place pursuant to subparagraph (4)(B) in response to a petition for revocation that is filed during the petition period, then it shall be conducted pursuant to procedures to be developed by the Secretary, and neither the results of such review nor the applicable procedures shall be reviewable in any court.

“(ii) The Secretary shall publish the results of any review conducted pursuant to this subparagraph in the Federal Register.

(4) in subparagraph 219(a)(6)(A), by deleting the words “or a redesignation made under paragraph (4)(B)” and by adding “at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (4)(B) or (4)(C)”;

(5) in subparagraph 219(a)(6)(A)(i), by deleting the words “or a redesignation”;

(6) in subparagraph 219(a)(7), by deleting “, or the revocation of a redesignation under paragraph (6),”;

(7) in subparagraph 219(a)(8), by deleting “, or if a redesignation under this subsection has become effective under subsection (b)(4)(B),” and by deleting “or redesignation.”;

(b) ALIASES.—By inserting a new subsection (b) as follows and relettering the following subsections accordingly:

“(b) AMENDMENTS TO A DESIGNATION.

“(1) IN GENERAL.—The Secretary is authorized to amend a designation under the provisions of this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

“(2) PROCEDURE.—Such amendments shall be effective upon publication in the Federal Register and the provisions of subparagraphs (a)(2)(B) and (a)(2)(C) shall apply. The procedures and rules set forth in paragraphs (a)(4), (5), (6), (7), and (8) shall also apply to amended designations.

“(3) Any such amendment shall be reported to the appropriate Congressional committees within 30 days of publication pursuant to subparagraph (a)(2)(A)(i).

“(4) The administrative record may be amended to include such new or additional names and any additional relevant information to support the amendment.

“(5) The Secretary may consider classified information in making an amendment under this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).”;

(c) TECHNICAL AMENDMENTS.—

(i) In subparagraph 219(a)(3)(B), by changing “subsection (b)” to “subsection (c)”.

(ii) In subsection 219(c)(1), as amended by this section, by striking the phrase after “publication” and before “in the United States Court of Appeals” and inserting “in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review in the United States” in lieu thereof.

(iii) In subsection 219(c)(2), (3), and (4), as amended by this section, by adding “, amendment, or determination” after “designation” wherever it occurs.

(d) SAVINGS PROVISION.—The term “designation” includes all previous redesignations made pursuant to subparagraph 219(a)(4) prior to the effective date of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraphs (a)(5) or (a)(6).

TITLE VI—SECURITY ASSISTANCE

SEC. 601. RESTRICTIONS ON ECONOMIC SUPPORT FUNDS FOR LEBANON.

Section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003” is amended by inserting after “lapses.”: “c. EXCEPTION.—Subsection (a) shall not apply to such assistance otherwise subject to the restriction set forth therein that is made available to address the water needs of Southern Lebanon.”

SEC. 602. THRESHOLDS FOR CONGRESSIONAL NOTIFICATION OF FMS AND COMMERCIAL ARMS TRANSFERS.

The Arms Export Control Act is amended—

(a) in section 36(b)—

(1) in paragraph (1)—

(A) by striking “Subject to paragraph 6, in”, and inserting in lieu thereof “(1) In”;

(B) by striking “\$14,000,000” and inserting in lieu thereof “\$100,000,000”;

(C) by striking “\$50,000,000” and inserting in lieu thereof “\$200,000,000”; and

(D) by striking “\$200,000,000” and inserting in lieu thereof “\$500,000,000”; and

(E) by inserting “and in any case in which the President concludes doing so would be appropriate,” before “before such letter of offer is issued”;

(2) in paragraph (5)(C)—

(A) by striking “Subject to paragraph (6), if” and inserting in lieu thereof “If”;

(B) by striking “\$14,000,000” and inserting in lieu thereof “\$100,000,000”;

(C) by striking “\$50,000,000” and inserting in lieu thereof “\$200,000,000”; and

(D) by striking “\$200,000,000” and inserting in lieu thereof “\$500,000,000”;

(E) by inserting “and in any case in which the President concludes doing so would be appropriate,” before “then the President shall submit”;

(3) by striking paragraph (6);

(b) in section 36(c)—

(1) in paragraph (1)

(A) by striking “Subject to paragraph (5), in”, and by inserting in lieu thereof “In”;

(B) by striking “\$14,000,000” and inserting in lieu thereof “\$100,000,000”;

(C) by striking “\$50,000,000” and inserting in lieu thereof “\$200,000,000”;

(D) by inserting “and in any case in which the President concludes doing so would be appropriate,” before “before issuing such license”;

(2) in paragraph 2 by striking “(A) and (B)” and inserting in lieu thereof “(A), (B) and (C)”;

(3) by striking paragraph (5);

(c) in section 3(d)—

(1) in paragraphs (1) and (3)(A) by striking “Subject to paragraph (5), the” and inserting in lieu thereof “The”;

(2) in paragraphs (1) and (3)(A) by striking “\$14,000,000” and inserting in lieu thereof “\$100,000,000”; and

(3) in paragraphs (1) and (3)(A) by striking “\$50,000,000” and inserting in lieu thereof “\$200,000,000”; and

(4) by striking paragraph (5).

SEC. 603. BILATERAL AGREEMENT REQUIREMENTS RELATING TO LICENSING OF DEFENSE EXPORTS.

The Arms Export Control Act is amended in section 38(j) as follows

(a) by adding a new paragraph (5):

“(5) WAIVER.—Any of the requirements for a bilateral agreement set forth in paragraph (2) may be waived if the President determines that to do so is important to the national interests, in particular the foreign policy, of the United States, and, prior to exercising this authority, provides notification to the appropriate congressional committees of his intent to exercise this authority, the justification for, and the extent of the exercise of this authority. The certification requirement of paragraph 3(A) may be met where the President has exercised this authority.”

(b) by adding a new paragraph (4)(C):

“(C) UNITED STATES ORIGIN DEFENSE ITEMS.—The term ‘United States origin defense items’ means those defense items that would be exempt from United States defense export licensing requirements under an anticipated country exemption extended in accordance with the authority of this subsection.”

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS UNDER ARMS EXPORT CONTROL ACT.—There is authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section \$4,414,000,000 for fiscal year 2004

and such sums as may be necessary for FY 2005.

(b) **INTERNATIONAL MILITARY EDUCATION AND TRAINING.**—There is authorized to be appropriated to the President \$91,700,000 for fiscal year 2004 and such sums as may be necessary for fiscal year 2005 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2347, et seq.).

(c) **NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS.**—There is authorized to be appropriated under “Nonproliferation, Anti-Terrorism, Demining, and Related Programs” \$385,200,000 for fiscal year 2004 and such sums as may be necessary for fiscal year 2005.

SEC. 605. COOPERATIVE THREAT REDUCTION PERMANENT WAIVER.

(a) **AUTHORITY TO WAIVE RESTRICTIONS AND ELIGIBILITY REQUIREMENTS.**—If the President submits the certification and report described in subsection (b) with respect to an independent state of the former Soviet Union for a fiscal year—

(1) the restrictions in subsection (d) of section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952) shall cease to apply, and funds may be obligated and expended under that section for assistance, to that state during that fiscal year; and

(2) funds may be obligated and expended during that fiscal year under section 502 of the FREEDOM Support Act (22 U.S.C. 5852) for assistance or other programs and activities for that state even if that state has not met one or more of the requirements for eligibility under paragraphs (1) through (4) of that section.

(b) **CERTIFICATION AND REPORT.**—

(1) The certification and report referred to in subsection (a) are a written certification submitted by the President to Congress that the waiver of the restrictions and requirements described in paragraphs (1) and (2) of that subsection during such fiscal year is important to the national security interests of the United States, together with a report containing the following:

(A) A description of the activity or activities that prevent the President from certifying that the state is committed to the matters set forth in the provisions of law specified in paragraphs (1) and (2) of subsection (a) in such fiscal year.

(B) An explanation of why the waiver is important to the national security interests of the United States.

(C) A description of the strategy, plan, or policy of the President for promoting the commitment of the state to, and compliance by the state with, such matters, notwithstanding the waiver.

(2) The matter included in the report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 606. CONGRESSIONAL NOTIFICATION FOR COMPREHENSIVE DEFENSE EXPORT AUTHORIZATIONS.

Section 36(d)(1) of the Arms Export Control Act (P.L. 90-629) is amended to add the following new sentences at the end after “subsection.”:

“Notwithstanding section 27(g) of this Act, the provisions of this subsection shall also apply in the case of an approval under section 38 of this Act of a comprehensive export authorization provided for in section 126.14 of the International Traffic in Arms Regulations where the estimated total value of the transfers anticipated at the time of application meets the value thresholds of subsection (c)(1). The provisions shall also apply to amendments to such comprehensive authorizations that involve the addition to the authorization of a new country entering into a related cooperative agreement with the United States Government or memorandum

of understanding with the Department of Defense to participate in cooperative activities referred to in such authorizations.”

SEC. 607. EXPANSION OF AUTHORITIES FOR LOAN OF MATERIAL, SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.

Section 65 of the Arms Export Control Act (22 U.S.C. 2796d) is amended—

(a) in paragraph (1) of subsection (a)—

(1) by striking “Except as provided in subsection (c), the Secretary of Defense, with the concurrence of the Secretary of State, may loan to a country that is a NATO or major non-NATO ally” and inserting “Except as provided in subsection (c), the Secretary of Defense may loan to—

“(i) a NATO organization or a country that is a NATO ally;

“(ii) a major non-NATO ally; or

“(iii) a friendly foreign country”; and

(2) by striking “The Secretary may accept as a loan or a gift from a country that is a NATO or major non-NATO ally” and inserting “The Secretary may accept as a loan or a gift from—

“(i) a NATO organization or a country that is a NATO ally;

“(ii) a major non-NATO ally; or

“(iii) a friendly foreign country”; and

(b) by amending subsection (d) to add after “United States)” the following:

“and the term ‘friendly foreign country’ means any country not a member of the North Atlantic Treaty Organization designated as a friendly foreign country for purposes of section 27(j)(2) of this Act”.

SEC. 608. ESTABLISH DOLLAR THRESHOLD FOR CONGRESSIONAL NOTIFICATION OF EXCESS DEFENSE ARTICLES THAT ARE SIGNIFICANT MILITARY EQUIPMENT.

Section 516(f)(1) of the Foreign Assistance Act of 1961, as amended, (22 U.S.C. 2321j) is amended by striking the clause “excess defense articles that are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or”.

SEC. 609. WAIVER OF NET PROCEEDS RESULTING FROM THE DISPOSAL OF U.S. DEFENSE ARTICLES PROVIDED TO A FOREIGN COUNTRY ON A GRANT BASIS.

Section 505(f) of the Foreign Assistance Act of 1961, as amended, (22 U.S.C. 2314(f)) is amended:

(1) by striking in the second sentence “In the case of items which were delivered prior to 1985, the” and inserting in lieu thereof “The”; and,

(2) by adding after the second sentence the following:

“A waiver is not required for a country to retain such net proceeds if the net proceeds are five per cent or less of the original acquisition value of the items.”.

SEC. 610. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.

(a) **AUTHORITY.**—(1) Notwithstanding Section 514 of the Foreign Assistance Act of 1961, as amended, (22 U.S.C. 2321h), the President may transfer to Israel, in return for concessions to be negotiated by the Secretary of Defense, any or all of the items described in paragraph (2).

(2) The items referred to in paragraph (1) are munitions such as armor, artillery, automatic weapons ammunition, missiles, and other munitions that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of enactment of this Act, are located in a stockpile in Israel.

(b) **CONCESSIONS.**—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) **ADVANCE NOTIFICATION OF TRANSFER.**—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit to the Committee on Foreign Relations and Armed Services Committee of the Senate and the Committee on International Relations and the Armed Services Committee of the House of Representatives a notification of the proposed transfer. The notification shall identify the items to be transferred and the concessions to be received.

(d) **EXPIRATION OF AUTHORITY.**—No transfer may be made under the authority of this section five years after the date of enactment of this Act.

SEC. 611. ADDITIONS TO U.S. WAR RESERVE STOCKPILES FOR ALLIES.

Section 514(b)(2) of the Foreign Assistance Act of 1961 as amended, (22 U.S.C. 2321h(b)) is amended—

(1) in subparagraph (A) by striking “\$50,000,000” and “2001”, and inserting in lieu thereof “\$100,000,000” and “2004”, respectively; and,

(2) in subparagraph (B) by striking “\$50,000,000” and “Republic of Korea” and inserting in lieu thereof “\$100,000,000” and “Israel”, respectively.

SEC. 612. PROVISION OF CATALOGING DATA AND SERVICES.

Section 21(h)(2) of the Arms Export Control Act (22 U.S.C. 2761(h)(2)) is amended by striking “or to any member government of that Organization if that Organization or member government” and inserting “, to any member of that Organization, or to the government of any other country if that Organization, member government, or other government”.

SEC. 613. PROVISION TO EXERCISE WAIVERS WITH RESPECT TO PAKISTAN

Public Law 107-57, an Act to Authorize the President to Exercise Waivers of Foreign Assistance Restrictions with Respect to Pakistan, is amended—

(1) in section 1(a), by striking “2002”, wherever appearing (including in the caption), and inserting in lieu thereof “2004”; and

(2) in section 1(b), by striking “2003”, wherever appearing (including in the caption), and inserting in lieu thereof “2005”; and

(3) in section 2, by striking “prior to January 1, 2001,”;

(4) in section 3(2), by striking “Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 2002, as is” and inserting in lieu thereof “annual foreign operations, export financing, and related programs appropriations Acts for fiscal years 2002, 2003, 2004, and 2005, as are”; and

(5) in section 6, by striking “2003” and inserting in lieu thereof “2005”.

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003

To amend the Immigration and Nationality Act to render inadmissible to the United States certain relatives of international child abductors, and for other purposes.

SEC. 701. SHORT TITLE.

This Act shall be cited as the “International Parental Child Abduction Prevention Act of 2003.”

SEC. 702. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS AND RELATIVES OF SUCH ABDUCTORS.

(a) **IN GENERAL.**—Section 212(a)(10)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C) (ii)) is amended—

(1) in subclause (I), by striking the comma at the end and inserting in its place a semicolon;

(2) in subclause (II), by striking the comma before "or" at the end and inserting in its place a semicolon;

(3) by amending subclause (III) to read as follows:

"(III) is a spouse (other than a spouse who is the parent of the abducted child), son or daughter (other than the abducted child), grandson or granddaughter (other than the abducted child), parent, grandparent, sibling, cousin, uncle, aunt, nephew, or niece of an alien described in clause (i), or is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State, in the Secretary of State's sole and unreviewable discretion,";

(4) by separating the final general clause from subclause (III) as amended by subsection (a) (3) of this section; and

(5) by amending the final general clause to read as follows:

"is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence, or until the abducted child is 21 years of age."

(b) **AUTHORITY TO CANCEL CERTAIN DESIGNATIONS; IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS; ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE ALIENS IN VISA LOOKOUT SYSTEM; DEFINITIONS.**—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by adding at the end the following:

"(iv) **AUTHORITY TO CANCEL CERTAIN DESIGNATIONS.**—The Secretary of State may, in his sole and unreviewable discretion and at any time, cancel a designation made pursuant to Section 212(a)(10)(C)(ii)(III).

"(v) **IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.**—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are potentially inadmissible under clause (ii).

"(vi) **ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE PERSONS IN VISA LOOKOUT SYSTEM.**—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to cause the entry into the visa lookout system of the name or names of, and identifying information about, such individual and of any persons identified pursuant to clause (v) as potentially inadmissible under clause (ii).

"(vii) **DEFINITIONS.**—For purposes of this subparagraph—

"(I) the term 'child' means a person under twenty-one years of age regardless of marital status;" and

"(II) the term 'sibling' includes step-siblings and half-siblings."

(c) **ANNUAL REPORT.**—The Secretary of State shall submit to the Committee on International Relations and the Committee on the Judiciary of the United States House of Representatives, and the Committee on Foreign Relations and the Committee on the Judiciary of the United States Senate, for the year beginning on the first day of the first full month after the date of enactment of this Act, and for each of the four subsequent years, an annual report that describes the operation of Section 212(a)(10)(C) of the Immigration and Nationality Act, as amended by this Title, during the year to which the report pertains. Each such annual report shall be submitted not later than 60 days after the end of the applicable reporting pe-

riod. As part of the required description of the Act's operation, and to the extent corresponding data are reasonably available, each such annual report shall specify,

(1) the number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the applicant's inadmissibility under Section 212(a)(10)(C) during the reporting period; and

(2) the cumulative total number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the applicant's inadmissibility under Section 212(a)(10)(C) since the beginning of the first reporting period; and

(3) the number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which an alien's name was placed in the visa lookout system on the basis of the alien's inadmissibility or potential inadmissibility under Section 212(a)(10)(C) during the reporting period; and

(4) the cumulative total number of names, disaggregated according to the nationality of the aliens concerned, known to the Secretary of State to appear in the visa lookout system on the basis of the aliens' inadmissibility or potential inadmissibility under Section 212(a)(10)(C) at the end of the reporting period.

TITLE VIII—MISCELLANEOUS PROVISIONS

Subtitle A—Streamlining Reporting Requirements

SEC. 801. REPORTS ON BENCHMARKS FOR BOSNIA.

Section 7(b)(2) of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105-174, 112 Stat. 64) and Section 1203 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) are repealed.

SEC. 802. REPORT CONCERNING THE GERMAN FOUNDATION "REMEMBRANCE, RESPONSIBILITY, AND THE FUTURE".

Section 704 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228) is repealed.

SEC. 803. REPORT ON PROGRESS IN CYPRUS.

Section 620C(c) of the Foreign Assistance Act of 1961 (Public Law 87-195) is amended by:

(a) striking in the second sentence "within 60 days after the date of enactment of this section and at the end of each succeeding 60-day period"; and

(b) inserting in its place "on a semiannual basis".

SEC. 804. REPORTS ON ACTIVITIES IN COLOMBIA.

Section 694 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228) is repealed.

SEC. 805. REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS.

Section 3203 of the 2001 Military Construction Appropriations Act (Public Law 106-246) is repealed.

SEC. 806. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.

Section 805 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (22 U.S.C. 2656f note), as amended by section 216 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228), is repealed.

SEC. 807. REPORT AND WAIVER REGARDING EMBASSY IN JERUSALEM.

The Jerusalem Embassy Act of 1995 (Public Law 104-45) is amended as follows:

(a) in section 6, by:

(1) striking "SEMIANNUAL" in the section heading;

(2) and by striking "every six months thereafter" and inserting in its place "each year thereafter"; and

(b) in section 7(a)(2) by striking "for an additional six month period" and inserting in its place "for an additional one year period".

SEC. 808. REPORT ON PROGRESS TOWARD REGIONAL NONPROLIFERATION.

Section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c)) is repealed.

SEC. 809. REPORT ON ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.

Section 25 of the Arms Export Control Act (22 U.S.C. 2765) is repealed.

SEC. 810. ANNUAL FOREIGN MILITARY TRAINING REPORT.

Section 656 of the Foreign Assistance Act of 1961 is amended as follows:

(a) in paragraph (a)—

(1) by striking "January 1" and inserting in lieu thereof "March 1";

(2) after "personnel" by inserting ", excluding training provided through sales,"

(3) after "State" by inserting ", which was completed";

(4) by striking all that follows after "previous fiscal year" before the period, and

(5) by inserting the following new second sentence:

"This paragraph shall not apply with respect to any NATO member, Australia, New Zealand or Japan unless the Secretaries jointly determine, after consultation with Congress, that inclusion of any such country in the report is warranted."; and

(6) by striking (a) (2);

(b) in paragraph (b)—

(1) in subparagraph (1) after "purpose for the activity," by inserting "and" and after "operation" by striking all that follows before the period,

(2) in subparagraph (3) after "activity" the first time it occurs by striking all that follows before the period;

(c) in paragraph (c) after "unclassified form" by striking all that follows before the period; and

(d) in paragraph (d) by striking "All unclassified portions of the" and inserting in lieu thereof "The".

SEC. 811. REPORT ON HUMAN RIGHTS VIOLATIONS BY IMET PARTICIPANTS

(a) Section 549 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347(h)) is repealed.

(b) Section 548 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347g) is amended by striking paragraphs (b) and (c) in their entirety and inserting the following:

"(b) **Information on Human Rights' Abuses.** Upon request of the Secretary of State for information regarding foreign personnel or military units, the Secretary of Defense shall provide such information contained in the database to the Secretary of State. If the Secretary of State determines that a foreign person identified in the database maintained pursuant to this section was involved in a violation of internationally recognized human rights, the Secretary of State shall so advise the Secretary of Defense, who shall in turn ensure that the database is updated to contain such fact and all relevant information."

SEC. 812. REPORT ON THE DEVELOPMENT OF THE EUROPEAN SECURITY AND DEFENSE IDENTITY (ESDI) WITHIN THE NATO ALLIANCE.

Section 1223 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2075 and 2155, respectively) is repealed.

SEC. 813. REPORT ON TRANSFERS OF MILITARY SENSITIVE TECHNOLOGY TO COUNTRIES AND ENTITIES OF CONCERN.

The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113

Stat. 542, 697, 706, 748, 756, 779, and 798, respectively) is amended in section 1402, by striking subsection (b)(2).

Subtitle B—Other Matters

Sec. 814. NUCLEAR REPROCESSING TRANSFER WAIVER

Section 102(a)(2) of the Arms Export and Control Act (Public Law 90-629) (22 U.S.C. 2799aa-1) is amended in the first sentence by deleting the phrase "in any fiscal year" and the phrase "during that fiscal year".

SEC. 815. COMPLEX FOREIGN CONTINGENCIES.

(a) PURPOSES.—The President should ensure that assistance provided to address complex foreign crises is designed to respond on an urgent, flexible basis, including at the outset, to mitigate without regard to scale of the crisis, but taking account of the gravity of the crises, political crises threatening democratic institutions, food, agricultural or health crises, fiscal or economic crises affecting countries, regions or ethnic groups. The response should be designed to best serve United States foreign policy interests, including the restoration or maintenance of peace and security.

(b) Whenever the President determines it to be important to the national interest he is authorized to furnish on such terms and conditions as he may determine assistance under this section for the purpose of responding to complex foreign crises.

(c) There is hereby established a United States Complex Foreign Contingency Fund to carry out the purposes of this section. There is authorized to be appropriated to the President from time to time such amounts as may be necessary for the fund to carry out the purposes of this section, which may be made available notwithstanding any other provision of law. Amounts appropriated hereunder shall remain available until expended.

SECTIONAL ANALYSES

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

This section authorizes appropriations under the heading "Administration of Foreign Affairs" for fiscal years 2004 and 2005. It includes funds for executive direction and policy formulation, conduct of diplomatic relations with foreign governments and international organizations, effective implementation of consular programs and its border security component, the acquisition and maintenance of office space and living quarters for the United States missions abroad, provision of security for those operations, and information resource management.

In particular, this section provides authorization of appropriations for the necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act. These expenses include an authorization for worldwide security upgrades. This section also includes authorization of appropriations for the conduct of U.S. public diplomacy programs, capital investment, representation, protection of foreign missions and officials, emergencies in the diplomatic and consular service, repatriation loans, and payment to the American Institute in Taiwan. This section includes the funding for the final year of the Department's Diplomatic Readiness Initiative aimed to hire 1158 additional employees beyond attrition over a three-year period to fill our staffing gaps (particularly in critical overseas positions), provide a "personnel complement" to allow for training, and respond quickly to crises and emerging policy priorities.

SEC. 102. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

This section authorizes appropriations for fiscal years 2004 and 2005 under the heading

"International Organizations and Conferences." It authorizes the necessary funds for U.S. contributions of its assessed share of the expenses of the United Nations and other international organizations of which the United States is a member. In addition, provision is made for assessed contributions to international peacekeeping activities under United Nations auspices.

This section also authorizes such sums as may be necessary for each of the fiscal years 2004 and 2005 to offset adverse fluctuations in foreign currency exchange rates.

SEC. 103. INTERNATIONAL COMMISSIONS.

This section authorizes appropriations for fiscal years 2004 and 2005 under the heading "International Commissions." It authorizes funds necessary to enable the United States to meet its obligations as a participant in international commissions, including those dealing with American boundaries and related matters with Canada and Mexico, and international fisheries commissions.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

This section authorizes appropriations for fiscal years 2004 and 2005 under the heading "Migration and Refugee Assistance" to enable the Secretary of State to provide assistance and make contributions for migrants and refugees, including contributions to international organizations such as the United Nations High Commissioner for Refugees and the International Committee for the Red Cross, through private volunteer agencies, governments, and bilateral assistance, as authorized by law.

SEC. 105. CENTERS AND FOUNDATIONS.

This section authorizes appropriations for fiscal years 2004 and 2005 for the East-West Center, the National Endowment for Democracy, and the Asia Foundation.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SEC. 201. REIMBURSEMENT RATE FOR AIRLIFT SERVICES PROVIDED TO THE DEPARTMENT OF STATE.

The Department of Defense provides a variety of airlift support for official Secretary of State overseas travel on a reimbursable basis. The airlift mission involves, for example, transporting armored vehicles necessary to provide a safe environment for the Secretary, when such vehicles are not available in country. The Department of Defense has a two-tiered rate structure for charging for such support. At present the Department of State is paying the higher rate, which is nearly twice as much as the lower. This section would authorize the Department of State to pay the Department of Defense for airlift services at the Department of Defense rate.

Legislation has already been enacted under which the CIA receives the Department of Defense rate on missions, which the Secretary of Defense has determined to be related to national security objectives (10 U.S.C. 2642). The Secretary of State's travel is similarly aimed at national security objectives, and similar treatment is therefore warranted. This section would therefore amend 10 U.S.C. 2642 to add the Department of State.

SEC. 202. GRANT AUTHORITY TO PROMOTE BIOTECHNOLOGY.

The Department plays a critical role in U.S. Government efforts to ensure that foreign governments consider biotechnology and its applications in agriculture/food on the basis of science. Currently, the Department does not have grant authority for funds that the Bureau of Economic and Business Affairs (EB) receives for biotechnology policy programs and for the Business Financial Incentive Fund. Unlike a contractual arrangement, where a contractor provides a

good or service to the governmental agency in return for payment, the grant process allows the government and the grantee to enter into a partnership to achieve a shared objective that serves the public good. Grant and cooperative agreement authority would enable the Department to use these funds more effectively, permitting it to work more directly with universities, non-governmental organizations, international organizations, private voluntary organizations, scientific groups, and private sector associations. It is anticipated that grants and cooperative agreements, as well as contracts, would be used to support public-private partnerships, workshops, seminars, media events, speaker programs, and publications. The Department will implement this authority in compliance with applicable statutory and regulatory guidelines governing grants and cooperative agreements. This section provides for up to \$500,000 in grant authority each fiscal year.

SEC. 203. IMMEDIATE RESPONSE FACILITIES.

In recent years, the Department has experienced a need to stand up a diplomatic facility on very short notice to achieve urgent, high-visibility foreign policy objectives. The most dramatic cases were the situations in Nairobi, Kenya, and Dar Es Salaam, Tanzania, immediately after the 1998 bombings. A recent example is the immediate temporary facilities in Kabul in the aftermath of the war. Other circumstances demanding immediate action would include, for example, destruction or incapacitation of a U.S. diplomatic facility by a terrorist attack, a natural disaster, or a war or insurrection to which the U.S. is not a party. To ensure that the Department has the flexibility to respond rapidly in emergency situations, this section would provide that not to exceed \$15,000,000 of the funds appropriated under the heading "Embassy Security, Construction, and Maintenance" may be reprogrammed to provide immediate response facilities without having to provide advance congressional notification pursuant to any other provision of law, including but not limited to section 34(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). In such instances where advance notification would otherwise be required, the Department is required to notify and provide an explanation of the circumstances requiring the deployment of immediate response facilities to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate as soon as practicable, but not later than 3 days after the obligation or expenditure of such funds. This post-notification procedure is similar to the one provided for in Section 34(c) of the Basic Authorities Act of 1956 for situations involving substantial risk to human health or welfare.

This authority will not be used to circumvent advance notification where a facility is not an immediately-needed response to an urgent situation. It will be used for existing posts or facilities, but not to stand up a new post or commit initial funds toward a long-term project, such as construction of a New Embassy Compound. Thus, for example, had this authority existed at the time of the war in Afghanistan, it would have been appropriately used for the Phase 1 immediate temporary facilities, but not for the Phase 2 embassy annex and reconstruction.

SEC. 204. MINE ACTION PROGRAMS GRANT AUTHORITY.

The Department, through its Office of Mine Action Initiatives and Partnerships (PM/MAIP), is actively working with non-governmental organizations, foundations, and companies to raise awareness and resources for mine action. In particular, the

Department has developed over two dozen public-private partnerships which promote mine clearance; survivors assistance, education programs, and research and development of promising technologies for finding and destroying landmines. To maximize the effectiveness of these public-private partnerships, it is important that the Department have the ability to enter into grants and cooperative agreements. Unlike a contractual arrangement, where a contractor provides a good or service to the governmental agency in return for payment, the grant process allows the government and the grantee to enter into a partnership to achieve a shared objective that serves the public good. This section provides for up to \$450,000 in grant authority each fiscal year.

By being able to provide grants and enter into cooperative agreements with organizations participating in the public-private partnership program, the Department would be able to provide support to such private sector projects as training demining personnel and mine-detecting dogs; developing training materials and mine risk education materials that teach children and adults about how to recognize, report, and avoid landmines; and research and development into new technologies to increase the effectiveness and speed of detecting and removing landmines. To the maximum extent feasible, grants and cooperative agreements would be used to support mine action activities of non-governmental organizations. The Department will implement this authority in compliance with all statutory and regulatory guidelines governing grants and cooperative agreements.

SEC. 205. THE U.S. DIPLOMACY CENTER.

This section would provide necessary authorities for the operation of the new U.S. Diplomacy Center at the Department of State. As envisioned, this Center would be dedicated to creating a better understanding of the history and practice of United States diplomacy. The Center would organize and sponsor educational and outreach programs, including conferences, seminars, and educational materials. It would also include a museum area, focusing on the history of U.S. diplomacy in safeguarding U.S. security, searching for peace, increasing prosperity, promoting U.S. values, and protecting U.S. lives abroad. As is customary in connection with such activities, the Center should include appropriate visitor services such as a museum shop, and should be able to pay for reasonable expenses in connection with conferences and outreach activities, such as refreshments and travel of participants. This legislation would provide clear statutory authority in these areas. Authority is also provided to retain fees to support the Center's activities. It would also include authority to dispose and lend museum artifacts and materials, similar to the authority already provided to the Department of State for the Diplomatic Reception Areas on the seventh and eighth floors of the Harry S Truman Building. Consistent with the Code of Ethics for Museums of the American Association of Museums, the legislation provides that proceeds from disposition of museum holdings can only be used for collection purposes. This section also provides that, except as may be identified subject to reprogramming procedures, the Bureau of Public Affairs may not expend more than \$950,000 in fiscal year 2004 and such sums as may be necessary in fiscal year 2005 for the U.S. Diplomacy Center.

SEC. 206. PUBLIC AFFAIRS GRANT AUTHORITY.

The Department is actively pursuing outreach programs designed to educate the American public about foreign affairs issues and the development and implementation of

foreign policy. In particular, the Bureau of Public Affairs is working with a number of nonprofit organizations (such as academic institutions of higher learning, organizations representing associations of American educators, local organizations or community groups, and broadcasting entities) in order to reach different sectors of the domestic audience.

In certain situations, a grant or cooperative agreement is a more appropriate vehicle than a contractual agreement to meet the Department's goals. Unlike a contractual arrangement, where a contractor provides a good or service to the governmental agency in return for payment, the grant process allows the government and the grantee to enter into a partnership to achieve a shared objective that serves a public good. In this case, the shared purpose is to educate the American public on foreign affairs matters in a factual and fair manner.

The Department would continue to use its existing contract authority for many activities and would exercise authority to enter into grants and cooperative agreements only in those limited instances where appropriate. The Department will implement this authority in compliance with applicable statutory and regulatory guidelines governing grants and cooperative agreements.

TITLE III: ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

SEC. 301. COST OF LIVING ALLOWANCES.

The proposed changes to the education allowance in 5 U.S.C. 5924(4) would: (1) allow for educational travel to the United States for children in kindergarten through 12th grade, when schools at post are not adequate; (2) allow for educational travel to a school outside the United States for children at the secondary and college level; (3) provide for educational travel at the graduate level for children who are still dependents; (4) permit payment of fees required by overseas schools for successful completion of a course or grade; and (5) allow the option of storing a child's personal effects near the school during their trip home, rather than transporting it back and forth.

Currently, when families are serving in a post without adequate local school facilities, the law allows for transportation of children in kindergarten through 12th grade to the nearest place where there is adequate education. For instance, if an employee is assigned to Guinea-Bissau, transportation for his/her dependents is calculated based on hub-points in Europe (London and Rome). This causes significant financial hardships for families, who are often serving in the most difficult overseas assignments, and whose children are in school in the United States. By changing the wording of the law to allow transportation back to the United States, the transportation component will ensure that parents can afford to send their children to the United States for an American education.

On the other hand, when a child has reached the secondary or post-secondary level, aside from a limited exception, current law allows payment for travel only to and from a school in the United States. This amendment would permit transportation to schools outside the United States as well. It would also allow educational travel at the post-baccalaureate level, when a child is still a dependent but has graduated from college. This would be consistent with what is allowed for military member dependents.

Overseas schools frequently require participation in programs that would not fall into the category of expenses considered "ordinarily provided without charge in the United States," as described in 5 U.S.C.

5924(4)(A). For example, students may be required to participate in a cultural studies program that may include mandatory field trips. The proposed amendment would allow associated costs to be paid with the education allowance.

Finally, the proposed amendment would allow for local storage of a child's effects in lieu of transporting them back and forth during school closings for students in kindergarten and elementary school as well as higher levels of education, provided that payment for local storage would not exceed the cost of transport. Section 319 of the FY 2003 Foreign Relations Authorization Act (P.L. 107-228) added this option for educational travel under 5 U.S.C. 5924(4)(B), and this amendment would extend the option to educational travel under 5 U.S.C. 5924(4)(A).

In addition, this section makes technical amendments including Puerto Rico as part of the "United States," eliminating language referring to the Canal Zone, and removing a reference to an irrelevant statute.

SEC. 302. WAIVER OF ANNUITY LIMITATIONS ON RE-EMPLOYED FOREIGN SERVICE ANNUITANTS.

Foreign Service annuitants hired on a full-time basis have their annuities terminated. Those employed on a parttime, intermittent or temporary basis face a cap on the total sum of their salary and their retirement annuity. The "dual compensation restrictions" on Foreign Service annuitants, many of whom have unique experience and talents, hamper the Department's ability to hire these individuals to meet mission needs. This section amends the Foreign Service Act to allow the Secretary of State and heads of other relevant agencies to waive these restrictions for positions for which there is exceptional difficulty in recruiting or retaining a qualified employee.

Section 824(g) of the Foreign Service Act was last amended in 1988 to authorize the Secretary to waive the annuity limitations on re-employed Foreign Service annuitants on a case by case basis if the annuitant is re-employed on a temporary basis due to an emergency involving a direct threat to life or property or other unusual circumstances. This amendment extended to the 10 Foreign Service a waiver authority that had existed and currently exists for the Civil Service.

Subsection (a) again seeks to amend section 824(g) of the Foreign Service Act, and again to extend a waiver authority to the Foreign Service that already exists for the Civil Service. It would provide the Secretary authority to waive the annuity limitations for annuitants reemployed on a temporary basis in positions for which it is exceptionally difficult to recruit or retain qualified employees. This authority, which we do not expect to be used very often, would better enable the Department to recruit and retain highly qualified persons necessary, for example, to meet our mission needs in the war on terrorism and in our public diplomacy efforts.

Subsection (b) indicates that effective October 1, 2005, section 824(g) will revert to its current form.

SEC. 303. FELLOWSHIP OF HOPE PROGRAM.

This section clarifies the authority underlying a current exchange program between the foreign affairs agencies of the United States, the European Union, and its member states, created to promote collaboration among its young leaders. Under this very successful program, Foreign Service officers are identified on an annual basis to serve one-year details at the European Union in Brussels and designated European foreign ministries. After the Foreign Service officers complete the details at the EU or in the foreign ministries, they are assigned to a position in the U.S. embassy in the relevant

European capital. Conversely, the State Department also will receive members of the diplomatic corps from the European Union and designated foreign ministries. While the present program is limited to EU members, it may be that this program could be extended to other designated countries.

This provision renders moot a potential legal concern under the Emoluments Clause of the Constitution (Article 1, section 9, clause 8). The Emoluments Clause provides that no person holding an office of profit or trust under the United States may, without the consent of Congress, accept an emolument from a foreign state. Under the Fellowship of Hope program, diplomats from the Commission and designated foreign countries accept an emolument from a foreign state through the course of compensation by their own government. However, these diplomats are also holding an office of profit or trust in the U.S. government. Explicit Congressional authority for the exchange program would obviate any issue regarding the Emoluments Clause.

The Secretary will be responsible for administering this program consistent with the national security and the foreign policy interests of the United States. In particular, it should be noted that information security considerations have been carefully considered in the implementation of this exchange program. Moreover, the Secretary will consult with the Department of Justice or the Central Intelligence Agency, as appropriate, to meet these responsibilities.

SEC. 304. CLAIMS FOR LOST PAY.

This section clarifies the Department's authority to make technical corrections or enter into settlements of claims or grievances brought by its employees involving lost pay, allowances, or differentials. These complaints may involve simple technical "glitches" in the payment of salary or benefits, for which the Department (like other agencies) routinely retroactively corrects the payment or makes a payment as appropriate. Administrative adjustments also may be required in order, for example, that a member of the Foreign Service is made whole in connection with a retroactive promotion.

In addition, the Department routinely settles non-Title VII claims brought by Civil Service employees before the Merit Systems Protection Board, or those brought by Foreign Service employees before the Foreign Service Grievance Board. In settling or compromising such claims, the normal authority for the payment of back pay would be the Back Pay Act (5 U.S.C. 5596). However, as is the case with most settlements, the Department does not usually make any admission as to liability, and therefore does not make a finding of an unwarranted or unjustified personnel action under the provisions of the Back Pay Act. This section would make clear that no such finding would be necessary in the event of a settlement or compromise of a claim or grievance which otherwise is in accordance with all provisions of the Back Pay Act.

The Department is seeking this provision as clarification to resolve back pay claims consistent with the spirit of conciliation that underlies settlements generally. This provision is not meant to question the current ability of agencies to settle claims without admitting fault.

SEC. 305. SUSPENSION OR ENFORCED LEAVE.

This amendment brings the Foreign Service into parity with the Civil Service. Current statutes, in particular, 5 U.S.C. 7512 and 7513, permit an indefinite suspension or enforced leave of an employee during an investigation into the revocation of a security clearance, where a security clearance has

been suspended, where there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed, or for such other cause as will promote the efficiency of the service. The due process requirements in this amendment are the same as those afforded Civil Service employees.

"Reasonable cause" may include, but is not limited to, an indictment or circumstances attendant to an arrest or investigation conducted by the Department or criminal law enforcement authorities. The Board is substantially constrained in what it may review with respect to suspensions and enforced leave authorized by this amendment. The Board will not, for example, have the authority to review the merits of any security clearance revocation investigation, which triggers a suspension under this amendment. In reviewing any suspension or enforced leave under this amendment, it is the Department's expectation that the considerable body of law interpreting 5 U.S.C. sections 7512 and 7513 will guide the Board. Decisions as to whether or not to grant the employee back pay upon the resolution of the underlying matter will be at the discretion of the Department. Under no circumstance may the Board grant prescriptive relief with respect to an indefinite suspension or enforced leave.

SEC. 306. HOME LEAVE.

This section reduces the time period for eligibility for home leave from 18 to 12 months. In addition, this amendment provides that members may take authorized rest and recuperation travel under section 4081(6) even if they take accrued, unused home leave authorized by this amendment. This would ensure that eligibility for R&R would not be affected if someone took home leave while on other travel to the United States.

The effect of these two amendments will be to facilitate members to take home leave during tours of duty (including at R&R posts) rather than at the end of their tours of duty as is the Department's current practice. The Department does not plan, however, to change its current policies related to the authorization of home leave travel, i.e., that members take home leave normally at the end of a two-year tour or at the midpoint of a four-year tour. This amendment simply provides some flexibility.

SEC. 307. OMBUDSMAN FOR THE DEPARTMENT OF STATE.

In section 172 of the Foreign Relations Authorization Act, FY 1988 and 1989 (P.L. 100-204), the Congress expressed its objective that the contributions of Civil Service employees to the Department of State would not be overlooked and would be adequately protected. It therefore established an Ombudsman for Civil Service Employees in the Office of the Secretary. This section is intended to enhance the responsibilities of the Ombudsman to better serve the Department's mission.

This provision further ensures that the Ombudsman would continue to report directly to the Secretary, and will have the ability to participate in meetings regarding management of the Department in order to be able to protect the interests of all Department employees.

SEC. 308. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.

This section repeals the provision in the Foreign Service Act that requires the Secretary to establish a recertification requirement for members of the Senior Foreign Service (SFS) that is equivalent to the recertification process for the Senior Executive Service (SES).

In section 1321 of the Homeland Security Act of 2002 (P.L. 107-296), the Congress repealed the recertification 14 requirements for SES employees contained in title 5 of the United States Code. The rationale was that these periodic recertification requirements for the SES did not serve a useful purpose. We believe the same rationale applies to the SFS.

TITLE IV—INTERNATIONAL ORGANIZATIONS

SEC. 401 RAISING THE CAP ON PEACEKEEPING CONTRIBUTIONS.

This provision would set at 27.1% for calendar years 2004 and 2005 the cap on UN peacekeeping assessments. This would allow the United States to pay its peacekeeping assessment in full in 2004 and 2005. This provision will allow us to avoid accruing future peacekeeping arrears.

TITLE V—SUPPORTING THE WAR ON TERRORISM

SEC. 501. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

Overview: This section amends section 219 of the Immigration and Nationality Act ("INA") (8 U.S.C. 1189), authorizing the Secretary of State, in consultation with the Attorney General and the Secretary of the Treasury (the "Secretary"), to designate foreign terrorist organizations ("FTOs"), in order to improve the statutory designation procedures. It eliminates the statute's redesignation provision, requiring the Secretary instead to review FTO designations regularly, and it adds a procedure for amending designations.

Amending the Redesignation Requirement: The Duration of Designation provision removes the requirement for the Secretary to redesignate FTOs every two years for designations to remain in effect. It permits an FTO designation to remain in effect until it is revoked by an Act of Congress or by the Secretary or set aside by the United States Court of Appeals for the District of Columbia Circuit.

The Review of Designation upon Petition provision requires the Secretary to review the designation of an FTO if a designated organization petitions the Secretary for revocation once two years have elapsed from the date of its designation. It also requires such review if an organization files another petition once two years have elapsed from the date of its last petition. This provision requires the Secretary to issue a determination on a petition for revocation within 180 days. It also permits an organization to petition for judicial review of the Secretary's determination within 30 days after that determination is published in the Federal Register.

The Other Review of Designation provision requires the Secretary to review the designation of each FTO at least once every four years in order to determine whether it should be revoked, even if the organization does not submit a petition for revocation. Absent such a petition, this automatic review would be completed according to procedures to be developed by the Secretary, and there would be no judicial review. This periodic review is intended as an 17 automatic check on the continued vitality of a designation, even in the absence of a petition for revocation by the designated organization.

With 36 FTOs designated as of March 2003, and others on the way to designation, the demands that the current statutory requirement to redesignate organizations every two years imposes on the interagency counterterrorism workforce are great. Each redesignation requires an interagency review process and preparation of an administrative record that can take months. The time demands associated with proving repeatedly

that terrorist groups have retained their character as terrorists significantly drain resources from other pressing counterterrorism work, including the pursuit of additional designations pursuant to section 219 of the INA, section 212(a)(3)(B) of the INA (8 U.S.C. 1182) (designation of terrorist organizations for immigration purposes), and Executive Order 13224 (terrorist financing).

The proposed changes would streamline the current procedures and permit a more effective use of USG resources, while ensuring that the Secretary would regularly review an organization's designation to determine if it should be revoked. The terrorist threat we face has increased greatly since section 219 was enacted in 1996, and now more than ever, the USG needs to marshal its counterterrorism resources as efficiently as possible.

Aliases: Section 219 does not contain any explicit statutory authority or guidance for making additional alias designations after an organization is designated as an FTO. In designating FTOs, the Secretary of State routinely lists the names of the designated entities together with their aliases, a practice that has been upheld by the United States Court of Appeals for the District of Columbia Circuit. Recently, certain groups that have been designated as FTOs have changed their names in an effort to evade asset freezing and other consequences of designation. Some FTOs have dissolved and reconstituted themselves under a different name or names, or merged with other organizations, even while retaining the capability and intent to engage in terrorist activity or terrorism. The difficulty of identifying all of an organization's aliases also can slow down the process of designating an organization as an FTO, creating unnecessary delays that weaken an otherwise powerful tool for combating international terrorism.

This section would enhance the effectiveness and efficiency of the designation process by adding explicit, streamlined procedures for adding new aliases to an underlying designation. It would allow the Secretary, or the Secretary's designee if the Secretary subsequently delegates that authority, to amend the existing administrative record for an organization's designation, rather than requiring the Secretary to create an additional administrative record in support of the amendment.

This section would require the Secretary of State (or the Secretary's designee if the Secretary delegates that authority) to make amendments in consultation with the Attorney General and the Secretary of the Treasury (or their designees if they delegate that authority), ensuring that amendments reflect the expertise of Justice and Treasury. Because it is a criminal offense to provide material support or resources to a designated FTO, and because of the asset blocking consequences of FTO designation, it is important that designations be made in consultation with Justice and Treasury. An organization covered by any such amendment also would have the ability to seek judicial review of the amendment or submit a petition to the Secretary for revocation of an amendment.

TITLE VI—SECURITY ASSISTANCE

SEC. 601. RESTRICTIONS ON ECONOMIC SUPPORT FUNDS (ESF) FOR LEBANON.

The annual restriction that \$10M of the ESF designated for Lebanon be withheld from central government until the President certifies their armed forces effectively assert authority over Lebanon's southern border accomplishes little beyond reducing the amount of ESF available to that country. Since none of our ESF assistance monies go

directly to the government, but rather to NGOs, this restriction serves neither as a carrot nor a stick from the perspective of the Lebanese government. Rather, this provision restricts our ability to promote democracy and economic development precisely when we have a strong interest in helping Lebanon rebuild its institutions. We believe that using this money in water projects in southern Lebanon will help defuse Lebanese-Israeli tensions and would directly support USG efforts to assure careful management of scarce water resources. Amending this section to allow this funding to be used for water projects would provide more transparency to Lebanese water management and thereby more comfort to Israel, than would be done by keeping this funding in escrow.

SEC. 602. THRESHOLDS FOR CONGRESSIONAL NOTIFICATION OF FMS AND COMMERCIAL ARMS TRANSFERS.

This section reflects the need for meaningfully increasing the congressional notification thresholds for arms sales and exports beyond the relatively modest increases for NATO and Japan, Australia and New Zealand enacted in section 1404 of the FY 2003 Foreign Relations Authorization Act. These recent increases will only minimally reduce the number of congressional notifications required and will, therefore, result in the continued notification of what are often rather insignificant sales of defense articles or services, particularly since the recent threshold increases apply to so few countries.

The proposed revision would in effect repeal the modest increases enacted last year and substitute in their place new notification thresholds for defense sales and exports applicable to all countries as follows: \$100,000,000 for Major Defense Equipment; \$200,000,000 for other defense articles and services; and, \$500,000,000 for design and construction services, sold via Foreign Military Sales. The Administration plans to enhance its process for consultation on cases of lesser value that may nonetheless be sensitive in order to ensure an opportunity for Congressional input and oversight. In that regard, the Administration would be prepared to an exchange of letters with the chairs and ranking members of the SFRC and the HIRC, indicating that we would notify cases of concern to the committees even though they might be of a lesser value than the higher thresholds proposed by in this amendment.

SEC. 603. BILATERAL AGREEMENT REQUIREMENTS RELATING TO LICENSING OF DEFENSE EXPORTS.

The Security Assistance Act of 2000 converted into a legal requirement the policy which set as a prerequisite for a foreign country qualifying for a country exemption from defense export licensing that the country have entered into a binding bilateral agreement committing it to apply specific defense export controls comparable to those of the United States. Fundamental differences between U.S. law and the legal regimes of the two countries with which the U.S. commenced negotiations in July 2000, Australia and the U.K., have proven that the specific commitments required by the law are in many instances too strict or specific, making it very difficult, if not impossible, to conclude an agreement that will satisfy all the Act's requirements.

To overcome this undue constraint on the President's otherwise extremely flexible authorities to control commercial defense trade, it is imperative, at very least, that appropriate legislative relief be provided. The amendment would allow the President to waive any of the law's specific requirements for the agreement. This would give the Administration, in this case the State Department, latitude to conclude the best agreements that are achievable, and that rep-

resent in its judgment sufficient significant improvements in a country's defense export regulatory regime so as to justify extending an exemption from U.S. defense export licensing requirements. A second proposed revision would narrow the scope of the commitments required of a foreign country, to comport more with reasonable expectations that a country would be required to apply its enhanced defense export controls mainly to U.S. origin defense items that are exempt from U.S. licensing, which are harder to keep track of, versus those items in that country that are subject to U.S. licenses.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) authorizes \$4,414,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal year 2005 for Foreign Military Financing ("FMF").

Subsection (b) authorizes \$91,700,000 for fiscal year 2004 and such sums as may be necessary for Fiscal Year 2005 for the International Military Education and Training (IMET) program. This requested level of funding for 2004 is an increase of \$6,700,000 over the Congress' authorization of appropriations for fiscal year 2003 and reflects the Administration's strong support for the IMET program.

Subsection (c) authorizes \$385,200,000 for fiscal year 2004 and such sums as may be necessary for fiscal year 2005 for "Nonproliferation, Anti-Terrorism, Demining, and Related Programs."

SEC. 605. COOPERATIVE THREAT REDUCTION PERMANENT WAIVER.

This section provides a permanent annual waiver for the restrictions contained in subsection (d) of 22 U.S.C. 5952 and the requirements of section 502 of the Freedom Support Act (Public Law 102-511). Section 1306 of the National Defense Authorization Act for FY 2003 (Public Law 107-314) provided authorization for an annual waiver only for Fiscal Years 2003 through 2005. This permanent annual waiver would ensure continuity for program planning purposes.

SEC. 606. CONGRESSIONAL NOTIFICATION FOR COMPREHENSIVE DEFENSE EXPORT AUTHORIZATION.

This provision amends section 36(d) of the Arms Export Control Act to require congressional defense export notifications for comprehensive defense export authorizations. Specifically, the existing procedures for such notifications of commercial defense exports applicable under section 36(c) shall now apply in the case of comprehensive defense export authorizations set forth in section 126.14 of the International Traffic in Arms Regulations where the estimated total value of the transfers anticipated at the time of application meets the value thresholds of subsection (c) (1). The amendment addresses a Congressional concern that the congressional notification provided by the Administration for the Global Project Authorization, a type of comprehensive defense export authorization provided for in the above mentioned regulation, may not have necessarily been viewed to be covered by section 36(c), despite the willingness to provide such notification. This amendment will clarify that such notifications are to be provided, pursuant to the statute.

SEC. 607. EXPANSION OF AUTHORITIES FOR LOAN OF MATERIAL, SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.

The amendment would expand the scope of the authority under section 65 of the Arms Export Control Act to loan items for cooperative research and development beyond the current NATO and major non-NATO ally recipients to include "friendly foreign countries" as that term is used in section 27(j)(2) of the Act. It would permit the loan authority to be used in a manner that corresponds

to that for the countries with which cooperative activities may be conducted under section 27.

SEC. 608. ESTABLISH DOLLAR THRESHOLD FOR CONGRESSIONAL NOTIFICATION OF EXCESS DEFENSE ARTICLES THAT ARE SIGNIFICANT MILITARY EQUIPMENT.

This proposal seeks to establish the same dollar limit for advance notification to Congress for all excess defense articles. Currently, Congress requires advance notification of all transfers of excess defense articles that are Significant Military Equipment (SME), whereas Congress only receives advance notification for those transfers of other excess defense articles valued at \$7 million or more. SME are articles for which special export controls are warranted because of their capacity for substantial military utility of capability. This proposal would apply the \$7 million advance notice threshold to transfers of all excess defense 23 articles, including SME. This would reduce the number of congressional notifications sent annually to Congress.

SEC. 609. WAIVER OF NET PROCEEDS RESULTING FROM DISPOSAL OF U.S. DEFENSE ARTICLES PROVIDED TO A FOREIGN COUNTRY ON A GRANT BASIS.

This proposal allows the President to waive the requirement that net proceeds resulting from the disposal of defense articles provided to a foreign country on a grant basis be paid to the United States. Existing law limits the waiver authority to items delivered before 1985. This proposal supports the goal of reducing the volume of defense articles worldwide, and reduces the potential that Defense articles inadvertently may fall into the hands of parties hostile to the United States. This legislation would retain the requirement that the net proceeds greater than 5 percent of the original acquisition value needs to be paid to the United States Government, absent a Presidential determination that a waiver is in the national interest of the United States.

SEC. 610. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.

This proposal provides the United States increased authority to transfer obsolete or surplus defense items to Israel, in exchange for concessions to be negotiated by the Secretary of Defense. Section 514 of the Foreign Assistance Act (FAA) of 1961 (22 U.S.C. 2321h) provides that defense articles included in DoD War Reserve Stocks (WRS) be transferred to foreign governments only through Foreign Military Sales (where the foreign government buys the articles) or through grant military assistance (where the value of the article is counted against military assistance appropriations provided for the recipient country). The DoD maintains a WRS stockpile in Israel. This is a separate stockpile of U.S.-owned munitions and equipment set aside, reserved, or intended for use as war reserve stocks by the U.S. and which may be transferred to the Government of Israel in an emergency, subject to reimbursement. The DoD now seeks authority from Congress to transfer to Israel certain of these WRS stocks to Israel. In return for transferring these stocks to Israel, the U.S. would negotiate equivalent value concessions from the Government of Israel. This initiative is not without precedent. During 1995-96 pursuant to section 509 of the FY94/FY95 Foreign Relations Authorization Act (P.L. 103-236), the U.S. Government provided \$66.62M (fair market value) of WRS equipment to the Republic of Korea (ROK) for equivalent value concessions. This proposal would allow the U.S. to receive fair market value consideration, relieve the U.S. Government of storage and

other stockpile maintenance costs, and avoid millions in cost to demilitarize, destroy, or retrograde munitions and equipment back to the U.S.

SEC. 611. ADDITIONS TO U.S. WAR RESERVE STOCKPILES FOR ALLIES.

This proposal would allow the United States to transfer excess items to the DoD War Reserve Stock in Israel. Section 514(a) of the Foreign Assistance Act (FAA) of 1961, provides for DoD War Reserve Stockpiles in a host country that remain the property of the U.S. government. These stockpiles enable equipment and supplies to be prepositioned in key parts of the world to enhance U.S. and host country defense readiness. DoD maintains a War Reserve Stockpile in Israel that directly supports the U.S. European Command's strategy for the defense of Israel. This proposal is necessary to allow the U.S. to transfer excess items to the War Reserve Stockpile in Israel. The transfer allows excess assets to remain under U.S. title but shifts the costs for maintenance, storage, transportation, and demilitarization of the excess munitions to Israel. By agreement with Israel, the U.S. does not pay for the storage, maintenance, transport, and warehousing of assets designated as War Reserve Stockpile, although the assets remain under U.S. title.

SEC. 612. PROVISION OF CATALOGING DATA AND SERVICES.

The United States provides cataloging data and services to the North Atlantic Treaty Organization (NATO) and member governments on a reciprocal basis. The United States also provides such services to several non-NATO countries, such as Australia and New Zealand, but on a reimbursable basis under foreign military sales. There are instances when the interests of the United States would best be served if such data and services could be provided to a non-NATO country under a reciprocal agreement. This section would authorize 25 the President to provide such services to non-NATO countries on a reciprocal basis.

For almost 50 years, the NATO Codification System, which is based on United States standards for naming, describing and numbering items of supply, has served as the cornerstone for interoperability between the United States and its NATO allies. Many non-NATO countries that participate in joint exercises and deployments with the United States have adopted the NATO Codification System. Facilitating the provision of United States cataloging data for materials produced in the United States has been and continues to be in the Nation's strategic interest. This is especially true in light of contingency operations that have and may be initiated in the war on terrorism.

SEC. 613. PROVISION TO EXERCISE WAIVERS WITH RESPECT TO PAKISTAN.

This amending legislation would extend the authority contained in P.L. 107-57 to make inapplicable for FY 2004 foreign assistance restrictions relating to coups with respect to Pakistan and, would waive for FY 2005 any coup restrictions applicable in that year so long as the President exercised that authority prior to October 1, 2005, the amended and extended date of expiration of this amendment. It would also make inapplicable foreign assistance restrictions relating to debt with respect to Pakistan through fiscal year 2005. With respect to missile sanctions, the amendment would extend the authority of current law waiving the notification period for a missile sanction waiver with respect to any sanctions imposed on foreign persons in Pakistan. It would also continue the reduced notification period for drawdowns and transfer of excess defense articles.

The coup waiver of section 508 of the Foreign Operations Appropriations Act in Section 1 is most critical for Pakistan. Section 1(b)(1), as amended, would legislatively extend the authority to waive coup-related sanctions for Pakistan for FY 2004 and FY 2005—the President has waived the sanction for FY 2003 under the current authority. Five (5) days advance notice to Congress required under P.L. 107-57 is continued. Section 2, as amended, would waive the requirement for a 45 day advance notification to Congress prior to waiving the missile 26 sanctions imposed on Pakistan pursuant to section 73 of the AECA with respect to any such sanctions imposed on foreign persons in Pakistan (versus waiving only with respect to those sanctions imposed prior to January 1, 2001, which would have already expired in any event). Section 3 exempts Pakistan from foreign assistance prohibitions in section 512 of the Foreign Operations Appropriations Act relating to loan defaults by foreign nations and similar restrictions contained in the Foreign Assistance Act through fiscal year 2005, the period through which the exemptions or waiver authority with respect to the coup sanctions would be extended by these amendments.

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003

General: The International Parental Child Abduction Prevention Act of 2003 would amend Section 212(a)(10)(C) of the Immigration and Nationality Act (INA) and is proposed to provide additional tools to deter international parental child abduction and/or wrongful retention, and to create incentives for the return of children abducted from or wrongfully retained outside the United States by their foreign national parent or others. This measure's efficacy in particular cases of international child abduction will necessarily depend in large part on the degree to which the taking parent and/or their family members desire to travel to the United States and apply for a visa. Unlike legislation proposed last year in the Government Reform Committee, this measure would not adversely affect the lives or travel of innocent adult American citizens. This legislation also seeks to avoid certain counterproductive definitional difficulties from which the earlier proposals suffered, while achieving many of the same results intended.

Section 702(a)(3). This provision would expand the range of persons who could be designated inadmissible by the Secretary of State in international child abduction and wrongful retention cases, even though those individuals were not culpable in the abduction or wrongful retention. This would be accomplished by amending existing subclause (III) of INA 212(a)(10)(C)(ii) to include a wider range of persons who could be designated inadmissible based on their familial connections to an abducting alien.

Sections 702(a)(4) and (5). This language specifies the circumstances under which inadmissibility based on any one of subclauses I, II, or III of INA 212(a)(10)(C)(ii) will terminate. It also makes a purely technical amendment to clarify that the concluding clause of (C)(ii) is the operative provision for subclauses (C)(ii)(I), (II), and (III). As originally enacted, the concluding clause is erroneously printed as if it were part of subclause (III), when it in fact clearly applies to each of subclauses (I)-(III). Finally, the concluding clause is amended to provide that inadmissibility based on (C)(ii) would terminate with the return of the abducted child or the child's attainment of age 21.

Section 702(b). This would create new subsections (iv)-(vii). Subsection (iv) would (1) make explicit the Secretary of State's authority to cancel designations of inadmissibility applicable to relatives of abductors,

and (2) make clear that inadmissibility pursuant to subclauses (I) and (II) (which is not discretionary) will expire only on occurrence of the events specified in INA 212(a)(10)(C)(ii) (the return of the abducted child or the child reaching age 21). These amendments will maximize the leverage available to the Department when inadmissibility is used to encourage relatives to place pressure on abductors for the return of abducted children.

New subsection (v) would require the Department of State to identify the persons potentially inadmissible under clause (ii) of INA 212(a)(10)(C).

New subsection (vi) would require the Department to enter the names of persons inadmissible or potentially inadmissible for a visa under subsections (i) or (ii) of INA 212(a)(10)(C) into the visa lookout system. Together these requirements would codify what the Department does through its intake procedures to ensure that individuals who may be inadmissible under the provisions of subsections (C)(i) and (ii) are identified and that their names are entered into the visa lookout system.

New subsection (vii) defines "child" in a way that is not inconsistent with the word's meaning throughout the INA while taking account of concerns about abducted or wrongfully retained children who marry at very young ages, often against their will. The definition proposed seeks to avoid the unintended consequences of potential alternatives. For example, H.R. 5715, introduced last session, would have effectively created a class of permanent children for purposes of the visa ineligibility laws, frustrating the Department's efforts to promote reconciliation and contact within what are often multinational families. The effect of the definition proposed in H.R. 5715 would have been to compromise the rights normally accorded adult U.S. citizens to travel while doing little to promote the return of abducted or wrongfully removed children. This subsection also changes the definition of "sibling" to include step- and half-siblings.

Section 702(c). Finally, this Title includes a requirement that the Department of State report to Congress annually for five years with a description of the operation of 212(a)(10)(C), including data on the number of visas denied and names entered into the visa lookout system on the basis of the statute. The report will provide Congress with information useful to its ongoing communication with the Department about the effectiveness of efforts to deter international parental child abductions and to promote the return of abducted and wrongfully retained American children to the United States.

TITLE VIII—MISCELLANEOUS PROVISIONS

Subtitle A—Streamlining Reporting Requirements

SEC. 801. REPORTS ON BENCHMARKS FOR BOSNIA.

This section would eliminate reporting requirements on progress toward achieving the benchmarks for a sustainable peace process in Bosnia that must be done as long as U.S. ground combat forces continue to participate in the SFOR. Significant reductions in U.S. and allied troops have continued regularly since 1998. Regular briefings to congressional staff (and Members, as desired) are sufficient to address continuing concerns. This is a very timeconsuming report for the Departments of State and Defense.

SEC. 802. REPORT CONCERNING THE GERMAN FOUNDATION "REMEMBRANCE, RESPONSIBILITY, AND THE FUTURE."

This section would repeal this semi-annual report required by section 704 of the FY 2003 Foreign Relations Authorization Act. The State Department, in particular the office of

the Special Envoy on Holocaust Issues, offers regular formal and informal briefings to Members and staff on this issue. This report duplicates the information conveyed at these briefings. Moreover, we have no authority to require the "Eagleburger Commission" (the International Commission on Holocaust Era Insurance Claims, or ICHEIC) or the Conference on Jewish Material Claims against Germany to supply the data needed for this report.

SEC. 803. REPORT ON PROGRESS IN CYPRUS.

This report is currently due every two months. This section would change it to a semi-annual requirement. The Administration is in regular contact with Congress on the Cyprus situation. Generally, the situation does not change rapidly in two months. If it did, the Administration would brief Congress immediately.

SEC. 804. REPORTS ON ACTIVITIES IN COLOMBIA.

This section repeals the two reports required by section 694 of the FY 2003 Authorization Act (P.L. 107-228).

Section 694(a) requires the Secretary, not later than 180 days after the enactment of the Foreign Relations Authorization Act, Fiscal Year 2003, and annually thereafter to report to Congress on the status of activities funded or authorized, in whole or in part, by the Department or the Department of Defense in Colombia to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, and human rights. This report duplicates material from a number of other reports on Colombia:

USAID includes much of the information that Section 694(a) requires in the Congressional Budget Justification it submits annually. For each program area, USAID provides progress on implementation.

Although it does not specifically address U.S.-funded activities, the Department's annual Country Reports on Human Rights Practices contain detailed information concerning human rights and internally displaced persons in Colombia.

Although not specifically required to report on internally displaced persons, judicial reform, the peace process, and general human rights matters, a number of other reports typically include information on these issues:

Pursuant to section 564(c) of the FY 2003 Foreign Operations, Export Financing, and Related Programs Appropriations Act (P.L. 108-7), the Secretary is required to submit two reports and certifications to Congress in conjunction with the obligation of funds for the Colombian Armed Forces describing actions taken by the Colombian Armed Forces to meet the human rights conditions on the provision of assistance in section 564(a).

Pursuant to section 3204(e) of the Military Construction Appropriations Act, 2001 (P.L. 106-246), the President is required to report to Congress semiannually through Fiscal Year 2005 on costs incurred by any department, agency, or other entity of the executive branch during the two previous quarters in support of Plan Colombia. Each of those reports includes information on subobligations of funds by the Department of State in support of Plan Colombia.

Pursuant to section 3204(f) of P.L. 106-246, the President provides a bimonthly, classified report to Congress on the aggregate number, locations, activities, and lengths of assignments for all U.S. military personnel and U.S. individuals civilians retained as contractors involved in the antinarcotics campaign in Colombia. These reports include certain information on contract personnel who are participating in U.S.-funded efforts to promote alternative development, recovery and resettlement of internally displaced

persons, judicial reform, the peace process, or human rights.

Finally, it is burdensome and inefficient to require the Department of State to report on activities of the Department of Defense.

Section 694(b) requires an annual report on the activities of U.S. businesses that have entered into agreements in the previous 12-month period with the Departments of State or Defense to carry out counternarcotics activities in Colombia. Information responding to some of the information sought in this report is available in the classified report we submit to the Congress bimonthly pursuant to section 3204(f) of P.L. 106-246. We also cannot easily track and report on DOD's contract activities.

We are also concerned that recurrent, public reporting of the names of businesses under contract to the Department of State to support counternarcotics activities is likely to increase the security risks to these businesses and their employees both in Colombia and the United States. The Department finances contracts for counternarcotics support in Colombia expressly because the Colombian National Police cannot meet the need for all services. P.L. 106-246, as amended by the FY 2002 Foreign Operations Act (P.L. 107-115), already provides limitations on the numbers of U.S. contract personnel permitted in Colombia in support of counternarcotics programs. Moreover, the Department is making every effort to minimize the number of U.S. citizen personnel employed by its contractors. The U.S. Embassy in Colombia continually assesses the potential for U.S. businesses to be involved in hostilities, and the risks to personal safety of their personnel. These risks vary widely from day to day and week to week. A report at any given moment in time would not have general applicability.

SEC. 805. REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS.

This section repeals Section 3203 of the 2001 Military Construction Appropriations Act. This section requires the Secretary of State to report biannually during the period Plan Colombia resources are made available on extradition of narcotics traffickers from any country receiving assistance in support of Plan Colombia from the U.S. This reporting requirement is burdensome and duplicative of other required reports. For instance, section 696 of the FY 2003 Foreign Relations Authorization Act requires the Secretary of State to submit a report on extradition practice between the United States and governments of all foreign countries with which the United States has an extradition relationship that contains numerous similar requirements. This section 696 report includes: an aggregate list, by country, of the number of extradition requests made by the United States to that country in 2002; the number of fugitives extradited by that country to the United States in 2002; an aggregate list, by country, of the number of extradition requests made by that country to the United States in 2002 and the number of fugitives extradited by the United States to that country in 2002; any other relevant information regarding difficulties the United States has experienced in obtaining the extradition of fugitives; and a summary of the Department's efforts in 2002 to negotiate new or revised extradition treaties and its agenda for such negotiations in 2003. Additionally, the Department's annual International Narcotics Control Strategy Report also contains certain information about extradition from countries worldwide with which we have extradition treaties in force. We would also be happy to brief members of Congress or their staffs on any issues of particular concern.

SEC. 806. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CIVILIANS WERE KILLED AND RELATED MATTERS.

This section would eliminate this semi-annual report. The information is already available elsewhere: the Americans killed overseas in terrorist attacks are prominently listed in the Introduction to the Department's annual Patterns of Global Terrorism report to Congress, and the names are available on the State Department's Rewards for Justice web-site. PLO activities are also covered in the semi-annual PLO Compliance with Obligations Under the Oslo Accords Report. Moreover, the names and details of Americans killed overseas in terrorist attacks are well covered in the press. The separate compilation and preparation of a report specifically on American casualties diverts scarce manpower resources from other activities to fight terrorism.

SEC. 807. REPORT AND WAIVER REGARDING EMBASSY IN JERUSALEM.

This section would make the waiver and accompanying report an annual, rather than semi-annual, requirement. The Jerusalem Embassy Act prohibits obligation of more than our annual overseas building acquisition and maintenance appropriation unless the Secretary reports to Congress that we have opened an embassy in Jerusalem. This prohibition may be waived for successive six-month periods on "national security interest" grounds; each waiver must be accompanied by a report detailing progress made during the preceding six months on moving our embassy to Jerusalem. Although the reports have not significantly varied from one another, they still require a significant amount of work to draft and clear.

SEC. 808. REPORT ON PROGRESS TOWARD REGIONAL NONPROLIFERATION.

This section repeals section 620F(c) of the Foreign Assistance Act of 1961 which addresses efforts made by the United States to achieve regional agreement on nuclear nonproliferation in South Asia and a list of obstacles to such an agreement. The report is duplicative, since South Asia nonproliferation issues are covered extensively in other classified and unclassified reports by State and the CIA. For example, India and Pakistan are included in the major nonproliferation report done annually pursuant to section 1308 of the FY 2003 Foreign Relations Authorization Act and in the CIA's annual "721 Report" on proliferation activities.

SEC. 809. REPORT ON ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.

Section 25(a) requires the President to submit a report to the SFRC, HIRC, and the House and Senate Appropriations Committees by February 1 of each year listing all FMS and commercial sales of military hardware anticipated in the coming year. Preparation of this report is extremely labor-intensive, as security assistance officers at U.S. embassies around the world must begin compiling data in October. Unfortunately, while this report grows in size and complexity each year, its value and utility are increasingly questionable. Since the report includes *all possible* U.S. sales of military equipment (760 in 2002) and has a dollar threshold for reporting sales that is half that required for congressional notification of actual sales, it includes a large number of potential sales that are too minor to have genuine military significance, or, in fact, never materialize. In recent years, less than 20% of the entries on the report (58 pages long in 2002) result in actual sales during the reporting year. It is also redundant as a reporting channel. The congressional committees that receive this report also receive similar data for FMS sales on a quarterly basis from re-

ports provided under DSCA under section 36(a)(6) of the AECA which cover all projected FMS sales through the end of the year. Furthermore, prenotification consultations assure that congressional staff are advised of potentially controversial transfers well in advance of formal notification.

SEC. 810. REPORT ON FOREIGN MILITARY TRAINING.

This section seeks to bring the military training report required by section 656 of the Foreign Assistance Act of 1961 into conformity with a very similar report required in the annual Foreign Operations Appropriation Acts (FOAA) and to eliminate those portions of the current section 656 requirement that make it necessary to classify major portions of the report. We intend to seek a similar amendment to the FOAA requirement.

To bring the section 656 requirement into conformity with that of the FOAA, this amendment "excludes training provided through sales" from the reporting requirement and changes the date upon which the report is due to the Congress from January 31 to March 1.

To eliminate the portions of the report that must be classified due to foreign policy or force protection reasons, this amendment would eliminate the requirement to report on projected training (i.e., "training proposed for the current fiscal year"), training locations, the U.S. military units providing the training, and training provided through sales. With these changes, a completely unclassified report could be produced that would be accessible to a wider public audience.

SEC. 811. REPORT ON HUMAN RIGHTS VIOLATIONS BY IMET PARTICIPANTS.

This section would repeal the report on human rights required by section 549 of the Foreign Assistance Act of 1961 (added by section 1212 of the FY 2003 Foreign Relations Authorization Act). This report requires the Secretary of State to submit an annual report "describing, to the extent practicable, any involvement of any foreign military or defense ministry civilian participant in . . . [the IMET program] in a violation of internationally recognized human rights." This provision sends the very dangerous signal that the USG will be tracking anyone enrolled in IMET thereafter. This will deter people from participating in IMET and, thus, damage U.S. national security interests. Moreover, while the Bureau of Democracy and Human Rights maintains data necessary to prepare the annual Human Rights Report, data is not systematically collected on individual human rights violators. As a result, if the department were required to report on human rights violators who attended IMET courses prior to the enactment of the Leahy Laws, we would be forced to rely on the records and memories of security assistance officers in U.S. embassies around the world which would likely be of uneven quality.

SEC. 812. REPORT ON DEVELOPMENT OF THE EUROPEAN SECURITY AND DEFENSE IDENTITY (ESDI) WITHIN THE NATO ALLIANCE.

The provision in section 1223 (22 U.S.C. 1928 note) requires the Secretary of Defense to provide Congress with various reports on the development of the European Security and Defense Identity (ESDI) within the NATO Alliance. The ESDI would enable the Western European Union, with the consent of the NATO Alliance, to assume the political control and strategic direction of specified NATO assets and capabilities. This report is obsolete and provides information of limited utility. The requested information is no longer relevant and does not reflect the shift in focus between the European Union and NATO.

SEC. 813. REPORT ON TRANSFERS OF MILITARY SENSITIVE TECHNOLOGY TO COUNTRIES AND ENTITIES OF CONCERN.

The provision in section 1402(b)(2) (22 U.S.C. 2778) requires the Secretary of Defense, in consultation with the Joint Chiefs of Staff and the Director of Central Intelligence, to provide Congress with an assessment of the cumulative impact of licenses granted by the U.S. for exports of technologies and technical information with potential military applications during the preceding 5-calendar year period on the military capabilities of such countries and entities, and countermeasures that may be necessary to overcome the use of such technologies and technical information. This report is redundant with reports already submitted to Congress by the Department of State, the Department of Commerce, and the Central Intelligence Agency.

Subtitle B—Other Matters

SEC. 814. NUCLEAR REPROCESSING TRANSFER WAIVER.

This section would amend section 102(a) of the Arms Export Control Act so as to permit Presidential waivers to be granted once again on a one-time, rather than fiscal year, basis. When the Nuclear Proliferation Prevention Act of 1994 (NPPA) folded section 670 of the Foreign Assistance Act (the so-called "Glenn Amendment", dealing with nuclear reprocessing transfers) into the Arms Export Control Act as a new section 102(a), the NPPA modified the waiver authority originally in section 670. This change eliminated the President's ability to grant one-time waivers from sanctions (cutoff of U.S. economic and military assistance) and replaced it with a requirement that any waivers may only be granted in the fiscal year to which they will apply. The ramifications of this change only became clear after there were real cases to deal with. Specifically, any country, having once been determined by President to have violated section 102(a), is placed in an enduring and unchangeable state of annual jeopardy of a U.S. aid cutoff. This is the case even where the activity that triggered the violation was subsequently terminated, the countries involved are not proliferation threats, and the U.S. is fully satisfied with these countries' current nuclear nonproliferation policies and practices. We do not believe that this was the intent of Congress when it made the waiver provision change.

The re-establishment of the authority for the President to grant one-time waivers under section 102(a) would not eliminate our nuclear nonproliferation leverage under this section since the President has the authority to impose sanctions should any resumed or new activities occur. More importantly, the processing of annual waivers from section 102(a) sanctions for situations long since satisfactorily resolved is not a constructive use of this and future Presidents' time and has a continuing potential to be an irritant to our relations with these countries. The President has no authority to put this situation to rest once and for all absent a change in the law to allow, once again, one-time waivers for Glenn Amendment violations.

SEC. 815. COMPLEX FOREIGN CONTINGENCIES.

This section authorizes the President to provide assistance to quickly and effectively respond to or prevent unforeseen complex foreign crises. This authority will be used to provide assistance for a range of foreign assistance activities, including support for peace and humanitarian intervention operations to prevent or to respond to foreign territorial disputes, armed ethnic and civil conflicts that pose threats to regional and international peace, and acts of ethnic cleansing, mass killing or genocide. Use of this authority will require a determination

by the President that a complex emergency exists and that it is in the national interest to furnish assistance in response. These authorities will not be used to fund assistance activities in response to natural disasters because existing contingency funding is available for that purpose. This section authorizes appropriation of such sums as may be necessary.

DEPARTMENT OF STATE,
Washington, DC, April 2, 2003.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: I am pleased to transmit proposed legislation to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs for fiscal years 2004 and 2005.

The attached FY 2004-2005 Foreign Relations Authorization Bill also contains provisions related to Department of State authorities and activities, organization and personnel, international organizations, security assistance, child abduction prevention, and other miscellaneous provisions.

Key sections for the Department, in addition to the FY 2004-2005 authorization of appropriations, would raise the peacekeeping assessment cap, provide for a permanent annual CTR waiver, and provide for greater flexibility in our administration of security assistance. Also included is an emergency fund for complex foreign crises which may be important to operations in Iraq.

Title VII of the proposed legislation, the International Parental Child Abduction Prevention Act of 2003, is designed to deter international abductions and unlawful retentions and pressure an abductor to return a child to the parent with lawful custody. This could provide an important new lever in addressing child abductions worldwide.

The FY 2004 Budget contains the first step toward a capital security cost sharing program that will ensure that all agencies and departments pay a fair share of the cost of new, secure diplomatic and consular facilities. The full program implementation is now under development, and a legislative proposal may be forwarded at a later date. Other provisions may be submitted in the near future in a supplemental package. The Office of Management and Budget advises that there is no objection to the submission of this proposed legislation to the Congress and that its enactment would be in accord with the President's program.

We look forward to working with the Committee on this important legislation.

Sincerely,

PAUL V. KELLY,
Assistant Secretary,
Legislative Affairs.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 104—COM-
MENDING THE UNIVERSITY OF
MINNESOTA DULUTH BULLDOGS
FOR WINNING THE 2002-2003 NA-
TIONAL COLLEGIATE ATHLETIC
ASSOCIATION DIVISION I NA-
TIONAL COLLEGIATE WOMEN'S
ICE HOCKEY CHAMPIONSHIP

Mr. DAYTON (for himself and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 104

Whereas on Sunday, March 23, 2003, the two-time defending NCAA National Colle-

giate Women's Ice Hockey Champions, the University of Minnesota Duluth Bulldogs, won the National Championship for the third straight year;

Whereas Minnesota Duluth defeated Harvard University in double overtime of the championship game by the score of 4-3, having defeated Dartmouth College 5-2 in the semifinal;

Whereas sophomore Nora Tallus scored the game-winning goal in the second overtime, assisted by Erika Holst and Joanne Eustace;

Whereas during the 2002-2003 season, the Bulldogs won an impressive 31 games, while losing only 3 and tying 2;

Whereas forwards Jenny Potter, Hanne Sikio, and Caroline Ouellette were selected to the 2003 All-Tournament team, and Caroline Ouellette was named the tournament's Most Valuable Player;

Whereas the Bulldogs were the only team in the country to earn a berth to the National Collegiate Women's Ice Hockey Championship Tournament in every year of its existence;

Whereas junior forward Jenny Potter was a top-three finalist for the Patty Kazmaier Memorial Award, given annually to the most outstanding player in women's collegiate varsity ice hockey, and was named to the Jofa Women's University Division Ice Hockey All-American first team;

Whereas senior forward Maria Rooth, for the fourth time, was a top-ten finalist for the Patty Kazmaier Memorial Award and was named to the Jofa Women's University Division Ice Hockey All-American second team;

Whereas seniors Jenny Hempel, Erika Holst, Joanne Eustace, Hanne Sikio, Navada Russell, Michelle McAtee, Patricia Sautter, and Maria Rooth made lasting contributions to the University of Minnesota Duluth Bulldogs women's ice hockey program;

Whereas Minnesota Duluth Head Coach Shannon Miller, after winning the National Championship in 3 consecutive years, has been named a finalist for the 2002-2003 Women's Ice Hockey University Division Coach of the Year Award; and

Whereas all of the team's players showed tremendous dedication throughout the season toward the goal of winning the National Championship: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Minnesota Duluth Women's Ice Hockey Team for winning the 2003 NCAA Division I National Collegiate Women's Ice Hockey Championship;

(2) recognizes the achievements of all of the team's players, coaches, and support staff, and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the achievements of the University of Minnesota Duluth Women's Ice Hockey Team, and invite them to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Secretary of the Senate to make available enrolled copies of this Resolution to the University of Minnesota Duluth for appropriate display, and to transmit an enrolled copy of this Resolution to every coach and member of the 2003 NCAA Division I National Collegiate Women's Ice Hockey Championship Team.

AMENDMENTS SUBMITTED & PROPOSED

SA 471. Mr. ALLEN (for himself, Mr. HARKIN, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Se-

curity, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 472. Mrs. BOXER (for herself, Mr. SCHUMER, and Mr. KENNEDY) proposed an amendment to the bill S. 762, *supra*.

SA 473. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 762, *supra*; which was ordered to lie on the table.

SA 474. Mr. BAYH (for himself, Mr. NELSON of Nebraska, Mr. SCHUMER, Ms. STABENOW, Mrs. CLINTON, Ms. MIKULSKI, and Mr. KENNEDY) proposed an amendment to the bill S. 762, *supra*.

SA 475. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, *supra*; which was ordered to lie on the table.

SA 476. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, *supra*; which was ordered to lie on the table.

SA 477. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, *supra*; which was ordered to lie on the table.

SA 478. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, *supra*; which was ordered to lie on the table.

SA 479. Mr. HOLLINGS (for himself and Mr. BYRD) proposed an amendment to the bill S. 762, *supra*.

SA 480. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 762, *supra*; which was ordered to lie on the table.

SA 481. Mr. MCCAIN (for himself and Mr. KYL) proposed an amendment to the bill S. 762, *supra*.

SA 482. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 762, *supra*; which was ordered to lie on the table.

SA 483. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 762, *supra*; which was ordered to lie on the table.

SA 484. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, *supra*; which was ordered to lie on the table.

SA 485. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, *supra*; which was ordered to lie on the table.

SA 486. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 762, *supra*; which was ordered to lie on the table.

SA 487. Mrs. CLINTON (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 762, *supra*; which was ordered to lie on the table.

SA 488. Mr. ENSIGN proposed an amendment to the bill S. 762, *supra*.

SA 489. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 762, *supra*; which was ordered to lie on the table.

SA 490. Mr. REID (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 762, *supra*; which was ordered to lie on the table.

SA 491. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, *supra*; which was ordered to lie on the table.

SA 492. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, *supra*; which was ordered to lie on the table.

SA 493. Mr. LAUTENBERG submitted an amendment intended to be proposed by him

to the bill S. 762, supra; which was ordered to lie on the table.

SA 494. Mr. BREAUX (for himself, Mr. SCHUMER, Mrs. CLINTON, Ms. STABENOW, and Mr. KENNEDY) proposed an amendment to the bill S. 762, supra.

SA 495. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 496. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 497. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 498. Mrs. HUTCHISON (for herself, Mr. ALLEN, Mr. MILLER, Mrs. DOLE, Mr. COLEMAN, Mr. FITZGERALD, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 499. Mr. TALENT (for himself, Mr. BOND, Mrs. CLINTON, and Mr. SCHUMER) proposed an amendment to the bill S. 762, supra.

SA 500. Mr. BOND (for himself, Mr. TALENT, Mrs. CLINTON, and Mr. SCHUMER) proposed an amendment to the bill S. 762, supra.

SA 501. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 502. Mr. REID (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 503. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 504. Ms. LANDRIEU (for herself and Ms. MIKULSKI) proposed an amendment to the bill S. 762, supra.

SA 505. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 506. Mr. WYDEN (for himself, Ms. COLLINS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 507. Mr. KYL (for himself, Mr. MCCAIN, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 508. Mr. BYRD (for himself and Mr. HOLLINGS) proposed an amendment to the bill S. 762, supra.

SA 509. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 510. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 511. Mr. STEVENS (for Mr. INOUE) submitted an amendment intended to be proposed by Mr. Stevens to the bill S. 762, supra; which was ordered to lie on the table.

SA 512. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 513. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 514. Mr. SCHUMER (for himself, Mrs. CLINTON, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. KENNEDY, Ms. STABENOW, Mrs. BOXER, Mr. JOHNSON, Mr. BINGAMAN, Mr. NELSON of Ne-

braska, Mr. LEAHY, Mr. BAUCUS, Mr. AKAKA, Mr. SARBANES, and Mr. LAUTENBERG) proposed an amendment to the bill S. 762, supra.

SA 515. Mr. SPECTER proposed an amendment to the bill S. 762, supra.

SA 516. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 517. Mr. STEVENS (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 518. Mr. STEVENS (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 519. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 520. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 521. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 522. Mr. STEVENS proposed an amendment to the bill S. 762, supra.

SA 523. Mr. FRIST (for Mr. BINGAMAN) proposed an amendment to the bill S. 302, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes.

SA 524. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 471. Mr. ALLEN (for himself, Mr. HARKIN, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. Section 1605 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(h) CLAIMS FOR MONEY DAMAGES FOR DEATH OR PERSONAL INJURY.—(1) Any United States citizen who dies or suffers injury caused by a foreign state's act of torture, extrajudicial killing, aircraft sabotage, or hostage taking committed on or after November 1, 1979, and any member of the immediate family of such citizen, shall have a claim for money damages against such foreign state, as authorized by subsection (a)(7), for death or personal injury (including economic damages, solatium, pain and suffering).

“(2) A claim under paragraph (1) shall not be subject to any other provision of law or any international agreement in effect on or after November 1, 1979, that would otherwise bar, preclude, terminate, extinguish, or suspend a claim for damages described in such paragraph.”.

SA 472. Mrs. BOXER (for herself, Mr. SCHUMER, and Mr. KENNEDY) proposed

an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

In chapter 6 of title I, add at the end the following:

GENERAL PROVISIONS, THIS CHAPTER

SEC. 601. Of the amounts appropriated by this chapter under the heading “DEPARTMENTAL MANAGEMENT” under the heading “COUNTERTERRORISM FUND”, \$30,000,000 shall be available for the Secretary of Homeland Security, in consultation with the Secretary of Defense and the Federal Aviation Administration, for research and development on, and for the initial deployment of, technology to protect commercial aircraft from the threat posed by man-portable air defense systems in order to reduce the costs of such technology and to provide for the adaptation of military countermeasure systems to commercial aircraft.

SA 473. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At an appropriate place insert the following:

SEC. _____. (a) No funds made available in this Act for purposes of reconstruction in Iraq may be provided, to a person who is a citizen of or is organized under the laws of France or Germany unless such person is a resident of or organized under the laws of the United States.

SA 474. Mr. BAYH (for himself, Mr. NELSON of Nebraska, Mr. SCHUMER, Ms. STABENOW, Mrs. CLINTON, Ms. MIKULSKI, and Mr. KENNEDY) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 38, after line 24 add the following:

SMALLPOX AND OTHER BIOTERRORISM INOCULATION ACTIVITIES

For additional expenses necessary to support grants to States for smallpox and other bioterrorism inoculation activities, \$340,000,000, to remain available until September 30, 2004: *Provided*, That this amount is transferred to the Centers for Disease Control and Prevention.

SA 475. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page ____ between lines ____ and ____, insert the following:

NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY
SCIENTIFIC AND TECHNICAL RESEARCH AND
SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$16,000,000, to remain available until expended: *Provided*, That, of the amount provided under this heading, \$6,000,000 shall be available for research and development related to the safety of threatened buildings within the Building and Fire Research Laboratory: *Provided further*, That, of the amount provided under this heading, \$10,000,000 shall be available to the Computer Services Division at the National Institute of Standards and Technology to develop checklists and standards to test networked computer systems of Federal agencies for vulnerability to cybersecurity threats.

SA 476. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, line 20, strike "\$2,468,300,000" and insert "\$2,763,300,000".

On page 31, line 3, strike "and (12)" and insert "(12) law enforcement, and (13)".

SA 477. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 13, after "funds" insert "": *Provided further*, an additional amount under this heading of \$295,000,000 of which \$225,000,000 shall be for non-food humanitarian assistance to support relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including water and sanitation, health and nutrition assistance, shelter, education, de-mining, and emergency infrastructure repairs and \$45,000,000 shall be for an international police force and judicial team to provide security during the post-war transition period and \$25,000,000 shall be for increasing the Emergency Refugee and Migration Assistance Fund to cover unforeseen refugee and migration emergencies".

SA 478. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 10 and 11, insert the following:

GENERAL PROVISIONS

SEC. ____ . Section 329(a) of the Immigration and Nationality Act (8 U.S.C. 1440(a)) is amended by inserting "as a member of the Ready Reserve of a reserve component of the Armed Forces or" after "has served honorably".

SA 479. Mr. HOLLINGS (for himself and Mr. BYRD) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . SENSE OF THE SENATE ON PAYING THE COSTS OF THE WAR WITH IRAQ.

It is the sense of the Senate that—

(1) the President should submit a proposal to the Committee on Finance to raise sufficient revenues to offset the funds spent in this supplemental appropriations Act for the war in Iraq;

(2) the President should submit this proposal not later than 60 days after the date of enactment of this Act; and

(3) if the President does not submit such a proposal, the Committee on Finance should put forward its own proposal to offset the funds spent in this supplemental appropriations Act for the war in Iraq.

SA 480. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, line 5, after the colon, insert the following

Provided further, That up to \$20,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading "Andean Counterdrug Initiative" for aircraft, training, and other assistance for the Colombian Armed Forces:

SA 481. Mr. MCCAIN (for himself and Mr. KYL) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of the bill, add the following:

LIMITATIONS ON OTHER PROVISIONS

Notwithstanding any other provision of this Act:

(1) Amounts made available under sections 310, 312, and 313 of title I shall not be made available for the purposes stated in those sections.

(2) Amounts made available for each of the following items elsewhere in this Act for fiscal year 2003 shall not be made available as provided in this Act:

(A) \$500,000 for the Great Lakes Fishery Commission to be used for sea lamprey control in Lake Champlain within the Procurement, Acquisition and Construction Account of the National Oceanic and Atmospheric Administration of the Department of Commerce as provided for under chapter 2 of title II.

(B) \$225,000 for the Mental Health Association of Tarrant County, Ft. Worth, Texas, to provide school-based mental health education to schools in Tarrant County; \$200,000 for the AIDS Research Institute at the University of California, San Francisco, for De-

veloping County Medical Program to facilitate clinician exchange between the United States and developing countries; and \$1,000,000 for the Geisinger Health System, Harrisburg, Pennsylvania, to establish centers of excellence for the treatment of autism, as provided for under paragraph (5) under the amendments to Public Law 108-7 for matter under the heading "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services, under the Department of Labor as provided for under chapter 5 of title II.

(3) Amounts appropriated for each of the following items for fiscal year 2003 shall be zero instead of the following amounts appropriated elsewhere in this Act:

(A) \$98,000,000 for Buildings and Facilities under the Agricultural Research Service of the Agricultural Department as provided for under chapter 1 of title I.

(B) \$50,000,000 for the cost of guaranteed loans under the Maritime Guaranteed Loan (title XI) Program Account of the Maritime Administration of the Department of Transportation as provided for under chapter 10 of title I.

(C) \$1,000,000 for the Jobs for America's Graduates (JAG) school-to-work program for at-risk young people for Training and Employment Services under the Employment and Training Administration of the Department of Labor as provided for under chapter 5 of title II.

SA 482. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, between lines 3 and 4, insert the following:

(e) REPORT ON BILL EMERSON HUMANITARIAN TRUST AND FUTURE OF UNITED STATES FOOD AID.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture (in coordination with the Administrator of the Agency for International Development) shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Subcommittees on Agriculture, Rural Development, and Related Agencies of the Committees on Appropriations of the House of Representatives and the Senate, a report that describes—

(1) the policy of the Secretary with respect to the Bill Emerson Humanitarian Trust established under the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1 et seq.), including whether that policy includes an intent to replenish the Trust; and

(2)(A) the means by which the Secretary proposes to ensure that the United States retains the long-term strategy and capability to respond to emergency international food shortages; and

(B) whether, and to what extent, other food aid programs conducted by the Secretary and the Administrator will be a part of that strategy.

SA 483. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other

purposes; which was ordered to lie on the table; as follows:

On page 38, after line 24, add the following:
SEVERE ACUTE RESPIRATORY SYNDROME (SARS)

For an additional amount for "Centers for Disease Control and Prevention, Disease Control, Research, and Training", \$16,000,000 for costs associated with the prevention and control of Severe Acute Respiratory Syndrome (SARS).

SA 484. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. BLUE RIDGE NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means the Blue Ridge National Heritage Area established by subsection (b).

(2) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area designated by subsection (d).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area approved under subsection (e).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of North Carolina.

(b) ESTABLISHMENT.—There is established the Blue Ridge National Heritage Area in the State.

(c) BOUNDARIES.—The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(d) MANAGEMENT ENTITY.—

(1) IN GENERAL.—As a condition of the receipt of funds made available under subsection (i)(1), the Blue Ridge National Heritage Area Partnership shall be the management entity for the Heritage Area.

(2) BOARD OF DIRECTORS.—The management entity shall be governed by a board of directors composed of 9 members, of whom—

(A) 2 members shall be appointed by AdvantageWest;

(B) 2 members shall be appointed by Hand-Made In America, Inc.;

(C) 1 member shall be appointed by the Education and Research Consortium of Western North Carolina;

(D) 1 member shall be appointed by the Eastern Band of the Cherokee Indians; and

(E) 3 members shall—

(i) be appointed by the Governor of the State;

(ii) reside in geographically diverse regions of the Heritage Area;

(iii) be a representative of State or local governments or the private sector; and

(iv) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the

management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the management entity shall—

(A) for the purpose of presenting a unified preservation and interpretation plan, take into consideration Federal, State, and local plans; and

(B) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(3) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(B) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(C) include—

(i) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(I) relates to the purposes of the Heritage Area; and

(II) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(ii) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and organizations that are involved in the implementation of the management plan;

(iii) an interpretive and educational plan for the Heritage Area;

(iv) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(v) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this Act.

(4) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date described in paragraph (1), the Secretary shall not provide any additional funding under this Act until a management plan is submitted to the Secretary.

(5) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under paragraph (1), the Secretary shall approve or disapprove the management plan.

(B) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(i) has strong local support from landowners, business interests, nonprofit organizations, and governments in the Heritage Area; and

(ii) has a high potential for effective partnership mechanisms.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(D) DEADLINE FOR APPROVAL OF REVISION.—Not later than 60 days after the date on which a revision is submitted under subpara-

graph (C), the Secretary shall approve or disapprove the proposed revision.

(6) AMENDMENT OF APPROVED MANAGEMENT PLAN.—

(A) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(i) review the management plan; and

(ii) submit to the Secretary, for review and approval, the recommendation of the management entity for any amendments to the management plan.

(B) USE OF FUNDS.—No funds made available under subsection (i)(1) shall be used to implement any amendment proposed by the management entity under subparagraph (A)(ii) until the Secretary approves the amendment.

(f) AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.—

(1) AUTHORITIES.—For the purposes of developing and implementing the management plan, the management entity may use funds made available under subsection (i)(1) to—

(A) make loans and grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(2) DUTIES.—In addition to developing the management plan, the management entity shall—

(A) develop and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the Heritage Area;

(B) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;

(C) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—

(i) carrying out the programs that protect resources in the Heritage Area;

(ii) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(iii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iv) developing recreational and educational opportunities in the Heritage Area; and

(v) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(D) for any fiscal year for which Federal funds are received under subsection (i)(1)—

(i) submit to the Secretary a report that describes, for the fiscal year—

(I) the accomplishments of the management entity;

(II) the expenses and income of the management entity; and

(III) each entity to which a grant was made;

(ii) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds; and

(iii) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds received under subsection (i)(1) to acquire real property or an interest in real property.

(g) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that facilitate—

(A) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

(h) LAND USE REGULATION.—

(1) IN GENERAL.—Nothing in this Act—

(A) grants any power of zoning or land use to the management entity; or

(B) modifies, enlarges, or diminishes any authority of the Federal Government or any State or local government to regulate any use of land under any law (including regulations).

(2) PRIVATE PROPERTY.—Nothing in this Act—

(A) abridges the rights of any person with respect to private property;

(B) affects the authority of the State or local government with respect to private property; or

(C) imposes any additional burden on any property owner.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$10,000,000, of which not more than \$1,000,000 shall be made available for any fiscal year.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under paragraph (1) shall be not less than 50 percent.

(j) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

SA 485. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

SEC. 410. REPORTING REQUIREMENT.

(a) IN GENERAL.—Any Federal agency, including the Department of Defense and the Agency for International Development, which contracts with a private company for a reconstruction project in Iraq shall submit a report to Congress not later than 30 days after the execution of each such contract if—

(1) the amount of the contract is greater than \$10,000,000; and

(2) the procurement process underlying the contract was not subject to standard competitive bidding procedures.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a brief description of the dollar amount and scope of work of the contract;

(2) the reasons the agency did not use standard competitive bidding procedures; and

(3) a description of how the agency identified and solicited companies to perform the functions required by the contract.

SA 486. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, line 16, after “*Provided*,” insert the following: “That, notwithstanding any other provision of law, of the total amount appropriated under this section, not more than \$4,000,000 may be made available to compensate College Park Airport in College Park, Maryland, Potomac Airpark in Ft. Washington, Maryland, and Washington Executive/Hyde Field in Clinton, Maryland, and the providers of general aviation services (such as aircraft rental, flight training, repair and other fixed base services) that are located at such airports for losses of incomes and revenues resulting from the airspace closures that occurred, or the flight restrictions that were imposed, following the September 11, 2001, terrorist attacks on the United States: *Provided further*, ”.

SA 487. Mrs. CLINTON (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, after line 24, add the following: SEVERE ACUTE RESPIRATORY SYNDROME (SARS)

For an additional amount for “Centers for Disease Control and Prevention, Disease Control, Research, and Training”, \$16,000,000.

SA 488. Mr. ENSIGN proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At an appropriate place insert the following:

SEC . (a) No funds made available in this Act for purposes of reconstruction in Iraq may be provided, to a person who is a citizen of or is organized under the laws of France or Germany, unless such person is a resident of or organized under the laws of the United States.

SA 489. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

Insert on page 69, after line 24, the following:

ENVIRONMENTAL PROTECTION AGENCY
ADMINISTRATIVE PROVISION

“Within 30 days of enactment of this Act, the Administrator of the Environmental

Protection Agency shall adjust each ‘maximum annual fee payable’ pursuant to 7 U.S.C. 136a-1(i)(5)(D) and (E) in a manner such that Maintenance Fee collections made to reach the level authorized in Division K of Public Law 108-7 shall be established in the same proportion as those Maintenance Fee collections authorized in Public Law 107-73.”.

SA 490. Mr. REID (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, line 8, strike all that follows through page 20, line 10 and insert the following:

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL

OPERATIONS AND MAINTENANCE, GENERAL

For an additional amount for homeland security expenses, for “Operations and Maintenance, General”, \$29,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for “Water and Related Resources”, \$29,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for “Science” for expenses necessary to support safeguards and security of nuclear and other facilities and for other purposes, \$11,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY
ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for “Weapons Activities” for expenses necessary to safeguard nuclear weapons and nuclear material, \$61,000,000, to remain available until expended: *Provided*, That \$25,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further*, That \$36,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex.

NUCLEAR NONPROLIFERATION

For an additional amount for “Nuclear Nonproliferation” for expenses necessary to safeguard fissile nuclear material, \$150,000,000, to remain available until expended: *Provided*, That \$84,000,000 of the funds provided shall be available for the development and deployment of nuclear detectors at mega seaports, in coordination with the Department of Homeland Security Bureau of Customs and Border Protection: *Provided further*, That \$17,000,000 of the funds provided shall be available for detection and deterrence of radiological dispersal devices: *Provided further*, That \$17,000,000 of the funds provided shall be available for nonproliferation assistance to nations other than the Former Soviet Union: *Provided further*, That

\$15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including \$2,500,000 for the Caucasus Seismic Network: *Provided further*, That \$5,000,000 of the funds provided shall be available for the packaging and disposition of any nuclear material found in Iraq: *Provided further*, That \$5,000,000 of the funds provided shall be available for nuclear material detection materials and devices: *Provided further*, That \$5,000,000 of the funds provided shall be available for international export control cooperation activities: *Provided further*, That \$2,000,000 of the funds provided shall be available for vulnerability assessments of spent nuclear fuel casks.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for Defense Environmental Restoration and Waste Management", for expenses necessary to support safeguards and security activities at nuclear and other facilities, \$6,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities", \$18,000,000, to remain available until expended, for increased safeguards and security of Department of Energy facilities and personnel, including intelligence and counterintelligence activities: *Provided*, That this amount shall be available for transfer to other accounts within the Department of Energy for other expenses necessary to support elevated security conditions 15 days after a notification to the Congress of the proposed transfers.

SA 491. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

SEC. 410. REPORTING REQUIREMENT.

(a) IN GENERAL.—Any Federal agency, including the Department of Defense and the United States Agency for International Development, which contracts with a private company for a reconstruction project in Iraq shall submit a report to Congress not later than 30 days after the execution of each such contract if—

(1) the amount of the contract is greater than \$10,000,000; and

(2) the procurement process underlying the contract was not subject to full and open competition.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a brief description of the dollar amount and scope of work of the contract;

(2) the reasons the agency did not use full and open competition to solicit bids for the contract; and

(3) a description of how the agency identified and solicited companies to perform the functions required by the contract.

SA 492. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and

Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. In accordance with section 873(b) of the Homeland Security Act of 2002 (6 U.S.C. 453(b)), the Bureau of Customs and Border Protection may accept donations of body armor for United States border patrol agents and United States border patrol canines if such donations would further the mission of protecting our Nation's border and ports of entry as determined by the Under Secretary for Border and Transportation Security.

SA 493. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 6 of title I, add the following:

GENERAL PROVISIONS, THIS CHAPTER

SEC. 601. (a) GRANTS RELATING TO MOBILIZED FIRST RESPONDERS.—The Secretary of Homeland Security may make a grant of financial assistance to any State or local government or Indian tribe in order to reimburse the State or local government or tribe for costs incurred by the State or local government or tribe as a result of a call or order to active duty of one or more Reserves who are first responder personnel of the State or local government or tribe if the call or order to duty is issued under the authority of a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

(b) FIRST RESPONDER PERSONNEL.—For purposes of this section, the term "first responder personnel"—

(1) means police, fire, rescue, emergency medical service, and emergency hazardous material disposal personnel; and

(2) includes such other personnel as the Secretary may specify in regulations prescribed under this section.

(c) COVERED COSTS.—(1) The costs that may be reimbursed by a grant under subsection (a) to a State or local government or Indian tribe in connection with a call or order of first responder personnel of the State or local government or tribe to active duty are any costs incurred by the State or local government or tribe as follows:

(A) Costs (including salary and benefits) of hiring first responder personnel to replace the first responder personnel called or ordered to active duty.

(B) Costs of overtime pay for other first responder personnel of the State or local government or tribe.

(C) Any other costs that the Secretary specifies in regulations prescribed under this section.

(2) Costs of a State or local government or tribe may be reimbursed by a grant under subsection (a) only if the State or local government or tribe would not have incurred such costs but for the absence of first responder personnel pursuant to a call or order to active duty described in that subsection.

(3) In seeking reimbursement for costs under subsection (a), a State or local government or tribe shall deduct from the costs for which reimbursement is sought the amounts, if any, saved by the State or local government or tribe by reason of the absence of

first responder personnel for active duty pursuant to a call or order to active duty described in that subsection.

(d) PERIOD COVERED BY GRANT.—A grant under subsection (a) shall reimburse a State or local government or Indian tribe for costs incurred by the State or local government or tribe during 2002 and 2003.

(e) MINIMUM PERIOD OF DUTY FOR REIMBURSEMENT.—Costs may be reimbursed by a grant under subsection (a) with respect to a particular Reserve only if the Reserve serves six or more consecutive months on active duty pursuant to a call or order to active duty issued under the authority of a provision of law referred to in subsection (a) at any time during the period beginning on January 1, 2002, and ending on December 31, 2003.

(f) MINIMUM GRANT ALLOCATION.—If the total amount made available under subsection (j) for grants under subsection (a) is less than the amount of grants that could otherwise be made under subsection (a), the aggregate amount available for grants under subsection (a) for each State (including grants to such State and local governments and Indian tribes in such State) shall be not less than the amount equal to 0.75 percent of the amount made available under subsection (j) for grants under subsection (a), except that the aggregate amount available for grants under subsection (a) for each of the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be not less than the amount equal to 0.25 percent of the amount made available under subsection (j) for grants under subsection (a).

(g) APPLICATION.—(1) A State or local government or Indian tribe seeking a grant under subsection (a) shall submit to the Secretary an application therefor in such form, and containing such information, as the Secretary shall prescribe in the regulations under this section.

(2) An application for a grant under subsection (a) shall be submitted not later than December 31, 2003.

(h) REGULATIONS.—The Secretary shall prescribe regulations for purposes of the administration of this section.

(i) STATE DEFINED.—In this section, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(j) FUNDING.—(1) Of the amount appropriated by this chapter under the heading "OFFICE FOR DOMESTIC PREPAREDNESS", \$200,000,000 shall be available for grants under this section.

(2) The amount available under paragraph (1) shall remain available until expended.

SA 494. Mr. BREAUX (for himself, Mr. SCHUMER, Mrs. CLINTON, Ms. STABENOW, and Mr. KENNEDY) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of the bill, insert the following:

TITLE III—FEDERAL HOMELAND SECURITY RESPONSIBILITIES

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", \$200,000,000, to remain available until December 31, 2003, for terrorism-related

prevention, preparedness, and response requirements associated with Operation Liberty Shield, including but not limited to operating expenses related to the increase in maritime operating tempo, the protection of critical infrastructure and enforcement of Security Zones, and the activation of Coast Guard Reservists.

**BORDER AND TRANSPORTATION SECURITY
CUSTOMS AND BORDER PROTECTION**

For an additional amount for "Customs and Border Protection", \$366,000,000, to remain available until December 31, 2003, of which not less than \$35,000,000 shall be for the Container Security Initiative, not less than \$200,000,000 shall be for radiation portal monitors and other forms of non-intrusive inspection equipment to be deployed at the Nation's ports-of-entry, and not less than \$131,000,000 shall be for increased border and maritime protection operations, overtime pay, and other activities resulting from the movement to the "Code Orange" terrorist threat level and in support of activities related to Operation Liberty Shield.

IMMIGRATION AND CUSTOMS ENFORCEMENT

For an additional amount for "Immigration and Customs Enforcement", \$131,000,000, to remain available until December 31, 2003, for increased operations, overtime pay, and other activities resulting from the movement to the "Code Orange" terrorist threat level and in support of activities related to Operation Liberty Shield.

TRANSPORTATION SECURITY ADMINISTRATION

For additional amounts for necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107-71 and Public Law 107-296 and for other purposes, \$1,355,000,000, to remain available until December 31, 2003, of which not less than \$235,000,000 shall be available for costs associated with the modification of airports to comply with the provisions of the Aviation and Transportation Security Act, not less than \$300,000,000 shall be available for grants to public transit agencies in urbanized areas for enhancing the security of transit facilities against chemical, biological and other terrorist threats, not less than \$620,000,000 for shortfalls pursuant to Public Law 108-10, including the securing of airline cockpit doors, port security grants, and airport modifications, not less than \$200,000,000 for railroad security grants including grants to the National Railroad Passenger Corporation for capital expenses associated with tunnel and dispatch facility security enhancements;

**FEDERAL LAW ENFORCEMENT TRAINING
CENTER**

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$20,000,000, to remain available until December 31, 2003 for personnel, equipment and support for increased training requirements for Federal and State and local law enforcement personnel.

OFFICE FOR DOMESTIC PREPAREDNESS

For an additional amount for "Emergency Management Planning and Assistance", \$150,000,000, to remain available until December 31, 2003, for grants to States and localities to improve communications within and among first responders including law enforcement, firefighters, emergency medical services personnel, and other emergency personnel.

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System", \$18,000,000, to remain available until December 31, 2003, for

expenses related to enhanced security at nationally significant facilities.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$25,000,000, to remain available until December 31, 2003, for necessary expenses relating to courthouse security; *Provided*, That funds provided under this paragraph shall be available only after the Committees on Appropriations of the House of Representatives and Senate are notified in accordance with section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$225,000,000, to remain available until December 31, 2003, for necessary expenses relating to response and security capabilities and field operations; *Provided*, That funds provided under this paragraph shall be available only after the Committees on Appropriations of the House of Representatives and Senate are notified in accordance with section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

OFFICE OF JUSTICE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for the Community Oriented Policing Services' Interoperable Communications Technology Program, for grants to States and localities to improve communications within and among law enforcement agencies, firefighters and emergency medical service personnel, \$150,000,000, to remain available until December 31, 2003.

DISTRICT OF COLUMBIA FEDERAL FUNDS

**FEDERAL PAYMENT TO THE DISTRICT OF
COLUMBIA**

For a Federal payment to the District of Columbia for critical infrastructure protection, \$25,000,000, to remain available until December 31, 2003, for security upgrades and backup operations of transportation, emergency response, energy, and communications infrastructure in the District of Columbia; *Provided*, That the Mayor and the Chairman of the Council of the District of Columbia shall, in consultation with the governments in the National Capital region, submit a financial plan to the Committees on Appropriations of the House of Representatives and Senate for approval not later than 30 days after enactment of this act; *Provided further*, That the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the use of funds under this heading, beginning not later than June 2, 2003.

INDEPENDENT AGENCIES

**DEPARTMENT OF HEALTH AND HUMAN
SERVICES**

**AGENCY FOR TOXIC SUBSTANCES AND DISEASE
REGISTRY**

**TOXIC SUBSTANCES AND ENVIRONMENTAL
PUBLIC HEALTH**

For an additional amount for "Toxic Substances and Environmental Public Health," \$10,000,000, to remain available until December 31, 2003, to enhance States' capacity to respond to chemical terrorism events.

Section . Notwithstanding any other provision of this Act, funding under the heading Department of Justice, General Administration, Counterterrorism Fund, shall be zero.

Section . Notwithstanding any other provision of this Act, funding under the heading

Department of Homeland Security, Department Management, Counterterrorism Fund, shall be zero.

SA 495. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

Insert on page 69, after line 24 the following:

**NATIONAL SCIENCE FOUNDATION RESEARCH AND
RELATED ACTIVITIES**

The first sentence under this heading in Public Law 108-7 is amended by striking "\$320,000,000" and inserting in lieu thereof: "\$330,000,000".

SA 496. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, line 6 after the period insert:

SEC. . It is the sense of the Senate that the President, while negotiating the terms and conditions of any loan guarantees to be extended to Egypt, should secure a firm commitment from the Government of Egypt to establish and implement political reforms that promote democracy, human rights and the rule of law in Egypt, and to safeguard the rights of nongovernment organizations to operate freely in Egypt.

SA 497. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

SEC. 410. HOMELAND SECURITY GRANT PROGRAM.

(a) REALLOCATION OF FUNDS.—The Director of the Office for Domestic Preparedness, Department of Homeland Security, shall allow any State to request approval to reallocate funds received pursuant to appropriations for the State Homeland Security Grant Program under Public Law 105-277, 106-113, 106-553, 107-77, or 108-7, among the 4 categories of equipment, training, exercises, and planning.

(b) APPROVAL OF REALLOCATION REQUEST.—The Director shall approve reallocation requests under subsection (a) in accordance with the State plan and any other relevant factors that the Secretary of Homeland Security determines to be necessary.

(c) LIMITATION.—A waiver under this section shall not affect a State's obligation to pass through 80 percent of the amount appropriated for equipment to localities.

SA 498. Mrs. HUTCHISON (for herself, Mr. ALLEN, Mr. MILLER, Mrs. DOLE, Mr. COLEMAN, Mr. FITZGERALD, and Mr. CORNYN) submitted an amendment intended to be proposed by her to

the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TSA TO ISSUE LETTERS OF INTENT REGARDING INSTALLATION OF EDS AT AIRPORTS.

(a) IN GENERAL.—The Under Secretary of Homeland Security for Transportation and Border Security may issue letters of intent to airports to provide assistance for the installation of explosive detection systems by the date prescribed by section 449012(d)(2)(i) of title 49, United States Code.

(b) REPORT.—Beginning 30 days after the date of enactment of this Act, and every 60 days thereafter in calendar year 2003, the Under Secretary shall transmit a classified report to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation describing each letter of intent issued by the Under Secretary under subsection (a).

SA 499. Mr. TALENT (for himself, Mr. BOND, Mrs. CLINTON, and Mr. SCHUMER) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of title IV, insert the following:
SEC. _____. (a) This section may be cited as the "Airline Workers Fairness Act".

(b) The purpose of this section is to require covered air carriers that receive funds appropriated under this Act to accept procedures that ensure the fair and equitable resolution of labor integration issues, in order to prevent further disruption to transactions for the combination of air carriers, which would potentially aggravate the current disruptions in air travel associated with increased terror alerts and other factors in the United States.

(c) In order to receive funds appropriated under this Act, a covered air carrier shall agree to be subject to this section.

(d) In any covered transaction involving a covered air carrier that leads to the combination of crafts or classes that are subject to the Railway Labor Act—

(1) sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 CAB 45) shall apply to the covered employees of the covered air carrier; and

(2) subject to paragraph (1), in a case in which a collective bargaining agreement provides for the application of sections 3 and 13 of the labor protective provisions in the process of seniority integration for the covered employees, the terms of the collective bargaining agreement shall apply to the covered employees and shall not be abrogated.

(e) Any aggrieved person (including any labor organization that represents the person) may bring an action to enforce this section, or the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. The person may bring the action in an appro-

priate Federal district court, determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

(f) Nothing in this section shall be construed to affect any provision of law that provides greater employee rights than the rights established under this section.

(g) In this section:

(1) The term "air carrier" means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) The term "covered air carrier" means an air carrier that is involved in a covered transaction.

(3) The term "covered employee" means an employee who—

(A) is not a temporary employee;

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.); and

(C) was an employee of a covered air carrier on April 1, 2003.

(4) The term "covered transaction" means a transaction that—

(A) is a transaction for the combination of multiple air carriers into a single air carrier;

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier;

(C) was pending, or had been completed, during the period beginning on January 1, 2001 and ending on September 11, 2001; and

(D) did not result in the recognition of a single air carrier by the National Mediation Board by September 11, 2001.

SA 500. Mr. BOND (for himself, Mr. TALENT, Mrs. CLINTON, and Mr. SCHUMER) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of title IV, insert the following:
SEC. _____. It is the sense of the Senate that—

(1) the asset acquisition of Trans World Airlines by American Airlines was a positive action that should be commended;

(2) although the acquisition was a positive action, the combination of the 2 airlines has resulted in a difficult seniority integration for the majority of the employee groups involved;

(3) airline layoffs from American Airlines should be conducted in a manner that maintains the maximum level of fairness and equitable treatment for all parties involved; and

(4) American Airlines should encourage its employee groups to integrate all employees in a manner that is fair and equitable for all parties involved.

SA 501. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, between lines 13 and 14, insert the following:

SEC. 409. COMPENSATION FOR CERTAIN AIRPORTS AND RELATED BUSINESSES.

There are appropriated to the Secretary of Transportation for fiscal year 2003, not more than \$4,000,000 to compensate College Park Airport in College Park, Maryland, Potomac Airpark in Ft. Washington, Maryland, and Washington Executive/Hyde Field in Clinton, Maryland, and the providers of general aviation services (such as aircraft rental, flight training, repair and other fixed base services) that are located at such airports for losses of incomes and revenues resulting from the airspace closures that occurred, or the flight restrictions that were imposed, following the September 11, 2001, terrorist attacks on the United States.

SA 502. Mr. REID (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in Title II, insert the following:

Sec. _____. The Secretary of the Army, acting through the Chief of Engineers, shall use \$3,300,000 of funds available under the Construction, General appropriation, Corps of Engineers, Civil, to continue dam safety and seepage stability correction measures for the Waterbury Dam, VT project.

SA 503. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Chapter 3, insert the following:

SEC. _____. (a) None of the funds appropriated by this Act may be obligated or expended to reduce the number of American Registry of Pathology personnel used by the Armed Forces Institute of Pathology for programs, projects, and activities of the Institute during Fiscal year 2002 below the number of such personnel who are so used as of April 1, 2003.

(b) Of the total amount appropriated by chapter 3 of title I under the heading "Defense Health Program", \$7,500,000 shall be available for the Armed Forces Institute of Pathology.

SA 504. Ms. LANDRIEU (for herself and Ms. MIKULSKI) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of chapter 2 of title I, add the following:

SEC. 210. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law as currently applied:

(1) Sections 2631 and 2631a of title 10, United States Code.

(2) Sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b), 1241f).

(3) Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500).

(4) Any other similar provision of law requiring the use of privately owned United States flag commercial vessels for certain transportation purposes of the United States.

SA 505. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, line 9 strike everything after "expended" through "determine" on line 16.

On page 13, line 12 after "appropriation" insert the following:

Provided further, That of the funds made available under this heading, up to \$500,000,000 shall be made available to support the military operations of foreign nations to combat international terrorism on such terms and conditions as the Secretary of Defense and the Secretary of State, following notification of the congressional defense committees, may determine and shall remain available until September 30, 2003: *Provided further*, That funds provided under the previous proviso shall be made available to carry out the provisions of chapters 5 and 9 of part II of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act, and shall be subject to section 8080 of Public Law 107-248.

SA 506. Mr. WYDEN (for himself, Ms. COLLINS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. (a) The head of a department or agency of the United States that obligates or expends funds appropriated under this Act for contracts that are not awarded using full and open competition for the repair, maintenance, rehabilitation or reconstruction of infrastructure in Iraq shall, before entering into the contract, publish in the Federal Register or Commerce Business Daily and otherwise make available to the public:

(1) a brief description of the dollar amount and scope of the contract;

(2) a description of how the agency identified and solicited companies to perform the functions required by the contract and the names of the companies solicited; and

(3) the justification and approval documents on which the determination to use such procedures are based, except that the head of a department or agency of the United States may withhold publication of a classified document or redact any part of a document that contains classified information.

(b) In the case of any contract described in subsection (a) that was entered into by the Administrator of the United States Agency for International Development or the Secretary of Defense during fiscal year 2003 but before the date of the enactment of this Act,

the justification and approval documents described in such subsection shall be published in the Federal Register or Commerce Business Daily not later than 10 days after the date of the enactment of this Act and the documents shall be made available in accordance with section 303(f)(4) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(4)) or section 2304(f)(4) of title 10, United States Code, as applicable, except that the head of a department or agency of the United States may withhold publication of a classified document or redact any part of a document that contains classified information.

(c) Whenever a document or part of a document is withheld or redacted pursuant to subsection (a) or (b), an unredacted version of the document shall be made available to the Chairmen and Ranking Minority members of the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the appropriate authorizing and appropriations committees of the Senate and the House of Representatives.

SA 507. Mr. KYL (for himself, Mr. MCCAIN, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. (a) The Under Secretary of Arms Control and International Security Affairs at the Department of State shall provide to the appropriate congressional committees the following reports:

(1) Not later than 90 days after the date of the enactment of this Act, a report that provides a preliminary discussion of the items described in subsection (b).

(2) Not later than 120 days after the date of the enactment of this Act, a report that provides a detailed and comprehensive analysis of the items described in subsection (b).

(b) The reports required by subsection (a) shall include the following:

(1) A description of the chemical, biological, and nuclear weapons programs of the Iraqi regime.

(2) A description of the missile or other programs of the Iraqi regime that could be used to deliver chemical, biological, or nuclear weapons.

(3) A description of the conventional military programs of the Iraqi regime.

(4) A description of the sources of technology, materials, or equipment that the Iraqi regime has used in—

(A) chemical, biological, or nuclear programs;

(B) missile or other delivery programs; and

(C) conventional military programs.

(5) A description of any instances in which United States technology, materials or equipment have made measurable contributions to the programs referred to subparagraphs (A), (B), and (C) of paragraph (4).

(6) An assessment of whether a foreign government had knowledge of any transfers of technology, materials, or equipment by an entity located within such foreign country that has been used in the programs referred to subparagraphs (A), (B), and (C) of paragraph (4).

(7) An assessment of the effect, if any, of the United States export control regime, bi-

lateral or multilateral exports control regimes, or the United Nations Oil-for-Food Program on Iraq's ability to acquire technology or equipment related to weapons of mass destruction or conventional military programs.

(8) An assessment of the efforts of the Iraqi regime to evade international weapons inspection programs.

(9) Any evidence that Iraq is exporting weapons, assets, materials, or scientific knowledge related to a weapons of mass destruction program and a listing of any country importing such weapons, assets, materials, or scientific knowledge.

(c) **AUTHORITY TO OBTAIN INFORMATION.**—In order to ensure that sufficient information is reviewed and utilized in the preparation of the reports required by subsection (a), the Under Secretary may convene an interagency review of Iraq's weapons of mass destruction programs to review and analyze intelligence and other information necessary to complete such reports.

(d) **FORM OF REPORTS.**—Each report required by subsection (a) shall be submitted in unclassified form and may contain a classified annex.

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term "appropriate congressional committees" means the Committees on Foreign Relations, Armed Services, Appropriations, and Intelligence of the Senate and the Committees on International Relations, Armed Services, Appropriations, and Intelligence of the House of Representatives.

SA. 508. Mr. BYRD (for himself and Mr. HOLLINGS) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 36, Line 9, strike all through the "." on page 36, line 25 and insert the following:

BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For an additional amount for "Customs and Border Protection", \$160,000,000, to remain available until December 31, 2003, of which not less than \$35,000,000 shall be for the Container Security Initiative and not less than \$125,000,000, shall be for radiation portal monitors and other forms of non-intrusive inspection equipment to be deployed at the Nation's ports-of-entry.

TRANSPORTATION SECURITY ADMINISTRATION

For additional amounts for necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107-71 and Public Law 107-296 and for other purposes, \$452,000,000, to remain available until December 31, 2003, of which not less than \$50,000,000 shall be available for grants to public transit agencies in urbanized areas for enhancing the security of transit facilities against chemical, biological and other terrorist threats, not less than \$147,000,000 shall be for shortfalls pursuant to Public Law 108-10, including port security grants, nuclear detection and monitoring equipment, and truck and intercity bus grants not less than \$55,000,000 shall be for installation design, installation, and FAA certification of a system to defend commercial airliners against portable, infrared, heat-seeking missiles, not less than \$100,000,000 shall be for port security grants for the purpose of implementing the provisions of the Maritime Transportation

Security Act, and not less than \$100,000,000 shall be for railroad security grants including grants to the National Railroad Passenger Corporation for capital expenses associated with tunnel and dispatch facility security enhancements.

FEDERAL LAW ENFORCEMENT TRAINING
CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$5,000,000, to remain available until December 31, 2003 for personnel, equipment and support for increased training requirements for Federal and State and local law enforcement personnel.

OFFICE FOR DOMESTIC PREPAREDNESS

For additional amounts for "Office for Domestic Preparedness," \$300,000,000, to remain available until December 31, 2003, for which \$100,000,000 shall be for "Emergency Management Planning and Assistance", to improve communications within and among first responders including law enforcement, firefighters, and emergency medical services personnel, and \$200,000,000 shall be for grants to high threat urban areas, which should be identified by criteria that include credible threat, vulnerability, the presence of infrastructure of national importance, population, and needs of public safety organizations.

UNITED STATES COAST GUARD
OPERATING EXPENSES

For an additional amount for "Operating Expenses", \$73,000,000, to remain available until December 31, 2003, of which not less than \$42,000,000 shall be for Port Security Assessments and the Port Security Assessment Program, and not less than \$7,000,000 shall be for the purchase of radiation detection equipment, and not less than \$24,000,000 shall be for the establishment of Maritime Safety and Security Teams.

ACQUISITION, CONSTRUCTION AND
IMPROVEMENTS

For an additional amount for "Acquisition, Construction and Improvements", \$40,000,000, to remain available until December 31, 2003, to implement the Automated Identification System and other tracking systems designed to actively track and monitor vessels operating in United States waters.

DEPARTMENT MANAGEMENT
COUNTERTERRORISM FUND

For an additional amount for the "Counterterrorism Fund," for necessary expenses as determined by the Secretary of Homeland Security, \$105,000,000, to remain available until December 31, 2003, to reimburse any Department of Homeland Security organization for the costs of providing support to prevent, counter, investigate, respond to, or prosecute unexpected threats or acts of terrorism: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds: *Provided Further*: That of the total amount provided, \$20,000,000, is provided under this heading which shall be transferred to, and merged with, funds in the "Federal payment for emergency planning and security costs in the District of Columbia" appropriations account within thirty days of enactment of this Act, for a Federal payment to the District of Columbia for critical infrastructure protection, for security upgrades and backup operations of transportation, emergency response, energy, and communications infrastructure in the District of Columbia, provided that the Mayor and the Chairman of the Council of the District of Columbia shall, in consultation with the governments in the National Capital region, submit a financial

plan to the Committees on Appropriations of the House of Representatives and Senate for approval not later than 30 days after enactment of this act, and provided that the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the use of funds under this heading, beginning not later than June 2, 2003: *Provided Further*: That of the total amount provided, \$10,000,000, is provided under this heading which shall be transferred to, and merged with, funds in the "Operation of the National Park System" appropriations account within the National Park Service in the Department of the Interior within thirty days of enactment of this Act, for expenses related to enhanced security at nationally significant facilities.

SA 509. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . POSTAL PATRON POSTCARDS.

The matter under the subheading "MISCELLANEOUS ITEMS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under title I of the Legislative Branch Appropriations Act, 2003 (Public Law 108-7) is amended by striking "with a population of less than 250,000".

SA 510. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, line 13, after "State" insert the following: the Department of the Treasury.

SA 511. Mr. STEVENS (for Mr. INOUE) submitted an amendment intended to be proposed by Mr. STEVENS to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Chapter 3, insert the following new provision:

SEC. 314. Of the funds appropriated in the Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following account and program in the specified amount:

"Research, Development, Test and Evaluation, Navy, 2003", \$3,400,000.

SA 512. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year end-

ing September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . . TECHNICAL ASSISTANCE FOR CONSERVATION PROGRAMS.

(a) IN GENERAL.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

"(b) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—Effective beginning on the date of enactment of the Agricultural Assistance Act of 2003, subject to paragraph (2), Commodity Credit Corporation funds made available under paragraphs (4) through (7) of subsection (a) shall be available for the provision of technical assistance (subject to section 1242) for the conservation programs specified in subsection (a).

"(2) CONSERVATION SECURITY PROGRAM.—Effective for fiscal year 2004 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out the conservation security program under subsection (a)(3)—

"(A) shall be available for the provision of technical assistance for the conservation security program; and

"(B) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the conservation security program."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on February 20, 2003.

SA 513. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, line 13, strike everything after "only" through "peace" on line 17 and insert in lieu thereof: "if the President determines and notifies Congress in accordance with the regular notification procedures of the Committees on Appropriations, that it is in the national interest to provide such sums on an emergency basis, consistent with authorities in the Foreign Assistance Act of 1961, for the purpose of responding to such crises, including support for peacekeeping".

On page 26, line 7, strike "funds" and everything thereafter through "tions" on line 10, and insert in lieu thereof: "notifications required under this heading".

On page 24, line 3, after "(2)" insert the following: "not to exceed".

SA 514. Mr. SCHUMER (for himself, Mrs. CLINTON, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. KENNEDY, Ms. STABENOW, Mrs. BOXER, Mr. JOHNSON, Mr. BINGAMAN, Mr. NELSON of Nebraska, Mr. LEAHY, Mr. BAUCUS, Mr. AKAKA, Mr. SARBANES, and Mr. LAUTENBERG) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 37, strike lines 3 through 25 and insert the following:

For additional amounts for the "Office for Domestic Preparedness", as authorized by

the Homeland Security Act of 2002 (Public Law 107-296), the USA PATRIOT Act of 2001 (Public Law 107-56), and the National Defense Authorization Act of 1996 (Public Law 104-201), for grants to States and local governments, \$3,000,000,000, to remain available until December 31, 2003: *Provided*, That of the total amount appropriated, \$2,500,000,000 shall be made available for grants to States under section 1014 of the USA PATRIOT Act of 2001, subject to the minimum grant amount requirement of that section, and the requirement that remaining amounts be distributed on a per capita basis, for the purchase of needed equipment, including interoperable communications equipment, and to provide training, exercise, planning, and personnel funds to State and local first responders: *Provided further*, That the Office for Domestic Preparedness (referred to under this heading as the "Office") shall transfer funds for such grants to States not later than 30 days after the date of enactment of this Act, and not less than 80 percent of funds made available to each State under this proviso shall be made available to units of local government based on population within 30 days of receipt by the State: *Provided further*, That up to 20 percent of the amount made available under the first proviso shall be for costs of law enforcement, fire, emergency medical services, and other emergency personnel, including overtime expenses and reimbursement of States (in addition to personnel costs related to training), local governments, and Indian tribes for additional costs incurred to replace first responders who are called to active duty in the Reserves for periods of not less than 6 consecutive months: *Provided further*, That \$500,000,000 shall be for personnel costs of States and units of local government, subject to the minimum grant amount requirement of section 1014 of the USA PATRIOT Act of 2001 and the requirement that remaining amounts be distributed on a per capita basis, for enhanced security around critical infrastructure (as that term is defined in section 1016 of the USA PATRIOT Act of 2001 (Public Law 107-56)), the Office shall transfer funds for such grants to States not later than 30 days after the date of enactment of this Act, and not less than 50 percent of such funds made available to each State shall be made available to units of local government within 30 days of receipt.

For additional amounts under the Acts referred to in the preceding paragraph for grants to high threat urban areas, which should be identified by criteria that include credible threat, vulnerability, the presence of infrastructure of national importance, population, and needs of public safety organizations, for the purchase of equipment, including interoperable communications equipment, and to provide training, planning, exercise, and personnel costs, \$1,045,000,000, to remain available until December 31, 2003: *Provided*, That not less than 80 percent of funds made available under this proviso shall be made available to units of local governments: *Provided further*, That up to 20 percent of this amount shall be for costs of law enforcement, fire, emergency medical services, and other emergency personnel, including overtime expenses (in addition to personnel costs related to training).

For additional amounts for such office for programs as authorized under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$155,000,000, to remain available until December 31, 2003.

For an additional amount, \$130,000,000, which shall be transferred to, and merged with, funds in the "Community Oriented Policing Services, Department of Justice", appropriations account for Public Safety and Community Policing Grants pursuant to

title I of the 1994 Act, for the hiring of law enforcement officers to prevent acts of terrorism and other violent and drug-related crimes, of which up to 30 percent shall be available for overtime expenses.

SA 515. Mr. SPECTER proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 37, line 10, strike "\$2,000,000,000" and insert in lieu thereof "\$2,200,000,000".

On page 37, line 12, strike "\$1,420,000,000" and insert in lieu thereof "\$1,270,000,000".

On page 37, line 17, strike "\$450,000,000" and insert in lieu thereof "\$300,000,000".

On page 37, line 23, strike "\$100,000,000" and insert in lieu thereof "\$600,000,000".

SA 516. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(a) The Secretary of the Army may accept funds from the State of Utah, and credit them to the appropriate Department of the Army accounts for the purpose of the funding of the costs associated with extending the runway at Michael Army Airfield, Dugway Proving Ground, Utah, as part of a previously authorized military construction project.

(b) The Secretary may use the funds accepted for the refurbishment, in addition to funds authorized and appropriated for the project. The authority to accept a contribution under this section does not authorize the Secretary of the Army to reduce expenditures of amounts appropriated for the refurbishment project. The funds accepted shall remain available until expended.

(c) The authority provided in this section shall be effective upon the date of the enactment of this Act.

SA 517. Mr. STEVENS (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter three, insert the following:

SEC. . In the case of a member of the Armed Forces who is ill or injured as described in section 411h of title 37, United States Code, as a result of service on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the travel and transportation benefits under that section may be provided to members of the family of the ill or injured member without regard to whether there is a determination that the presence of the family member may contribute to the member's health and welfare.

SA 518. Mr. STEVENS (for himself and Mr. WARNER) submitted an amend-

ment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter three, insert the following:

SEC. . (a) For a member of the Armed Forces medically evacuated for treatment in a medical facility, or for travel to a medical facility or the member's home station, by reason of an illness or injury incurred or aggravated by the member while on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the Secretary of the military department concerned may procure civilian attire suitable for wear by the member during the travel.

(b) The Secretary may not expend more than \$250 for the procurement of civilian attire for any member under subsection (a).

SA 519. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. Section 127b(b) of title 10, United States Code, is amended by striking "\$200,000" and inserting "\$5,000,000".

SA 520. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, between lines 12 and 13, insert the following:

(5) the provision specifying \$600,000 for the University of Maine, School of Applied Science, Engineering & Technology for purchase of equipment and technology shall be deemed to read as follows: "University of Southern Maine, School of Applied Science, Engineering & Technology for purchase of equipment and technology, \$600,000";

SA 521. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, between lines 3 and 4, insert the following:

(e) AGRICULTURAL MANAGEMENT ASSISTANCE.—Section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and by inserting after paragraph (1) the following:

"(2) GRANTS TO STATES.—For fiscal year 2003 and each subsequent fiscal year, the Secretary shall use the funds made available under this subsection to make grants, in equal shares, to each state described in paragraph (1) to provide assistance to producers in the State in accordance with this subsection. A grant made available under this paragraph shall remain available until expended."

SA 522. Mr. STEVENS proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. For an additional amount for the law enforcement technology program under the heading "Community Oriented Policing Services" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003, \$5,000,000 for the Louisville-Jefferson County, Kentucky Public Safety Communications System to implement a common interoperable voice and data communications system for public safety organizations in the metropolitan area.

Insert at the appropriate place in the bill: SEC. _____. Section 624 of division B of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7), is amended by inserting before the period at the end: "and, effective as of October 1, 2002, by inserting 'and subject to the provisions of Public Law 108-8,' after 'until expended.'"

On page 46, line 13 strike "\$106,060,000" and insert "\$117,060,000".

On page 47, line 5, before the "." insert the following:

Provided further, That of the amount made available under this heading, \$10,000,000 to remain available until September 30, 2004, shall only be available for the incorporation of additional technologies for disseminating terrorism warnings within the All Hazards Warning Network".

At the appropriate place, insert the following:

DEPARTMENT OF VETERANS AFFAIRS
VETERANS HEALTH ADMINISTRATION
MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities: for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and for furnishing recreational facilities, supplies, and equipment incident to the provision of hospital care, medical services, and nursing home care authorized by section 1710(e)(1)(D) of title 38, United States Code, \$155,000,000: *Provided*, That such amount shall remain available until expended.

On page 46, between lines 3 and 4, insert the following:

(e) LIVESTOCK COMPENSATION PROGRAM.—Section 203(a) of the Agricultural Assistance Act of 2003 (title II of division N of Public Law 108-7) is amended by adding at the end the following:

"(3) GRANTS.—

"(A) IN GENERAL.—To provide assistance to eligible applicants under paragraph (2)(B),

the Secretary shall provide grants to appropriate State departments of agriculture (or other appropriate State agencies) that agree to provide assistance to eligible applicants.

"(B) AMOUNT.—The total amount of grants provided under subparagraph (A) shall be equal to the total amount of assistance that the Secretary determines all eligible applicants are eligible to receive under paragraph (2)(B)."

On page 18, line 8, strike all that follows through page 20, line 10 and insert the following:

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL
OPERATIONS AND MAINTENANCE,
GENERAL

For an additional amount for homeland security expenses, for "Operations and Maintenance, General", \$29,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for "Water and Related Resources", \$25,000,000, to remain available until expended.

DEPARTMENT OF ENERGY
ENERGY PROGRAMS
SCIENCE

For an additional amount for "Science" for expenses necessary to support safeguards and security of nuclear and other facilities and for other purposes; \$11,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES
NATIONAL NUCLEAR SECURITY
ADMINISTRATION
WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" for expenses necessary to safeguard nuclear weapons and nuclear material, \$61,000,000, to remain available until expended: *Provided*, That \$25,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further*, That \$36,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex.

NUCLEAR NONPROLIFERATION

For an additional amount for "Nuclear Nonproliferation" for expenses necessary to safeguard fissile nuclear material, \$150,000,000, to remain available until expended: *Provided*, That \$84,000,000 of the funds provided shall be available for the development and deployment of nuclear detectors at mega seaports, in coordination with the Department of Homeland Security Bureau of Customs and Border Protection: *Provided further*, That \$17,000,000 of the funds provided shall be available for detection and deterrence of radiological dispersal devices: *Provided further*, That \$17,000,000 of the funds provided shall be available for nonproliferation assistance to nations other than the Former Soviet Union: *Provided further*, That \$15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including \$2,500,000 for the Caucasus Seismic Network: *Provided further*, That \$5,000,000 of the funds provided shall be available for the packaging and disposition of any nuclear material found in Iraq: *Provided further*, That \$5,000,000 of the funds provided shall be available for nuclear material detection materials and devices: *Provided further*, That \$5,000,000 of the funds provided shall be available for international export control cooperation ac-

tivities: *Provided further*, That \$2,000,000 of the funds provided shall be available for vulnerability assessments of spent nuclear fuel casks.

ENVIRONMENTAL AND OTHER DEFENSE
ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management", for expenses necessary to support safeguards and security activities at nuclear and other facilities, \$6,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities", \$18,000,000, to remain available until expended, for increased safeguards and security of Department of Energy facilities and personnel, including intelligence and counterintelligence activities: *Provided*, That this amount shall be available for transfer to other accounts within the Department of Energy for other expenses necessary to support elevated security conditions 15 days after a notification to the Congress of the proposed transfers.

On page 38, after line 24, add the following:

SEVERE ACUTE RESPIRATORY SYNDROME (SARS)

For an additional amount for "Centers for Disease Control and Prevention, Disease Control, Research, and Training", \$16,000,000 for costs associated with the prevention and control of Severe Acute Respiratory Syndrome (SARS).

Insert on page 69, after line 24 the following:

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The first sentence under this heading in Public Law 108-7 is amended by striking "\$320,000,000" and inserting in lieu thereof: "\$330,000,000".

At the appropriate place, insert the following:

SEC. _____. Extension of Energy Savings Performance Contracting Authority.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by striking "October 1, 2003" and inserting "December 31, 2004."

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS
ACT

SEC. 501. Section 1605 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(h) CLAIMS FOR MONEY DAMAGES FOR DEATH OR PERSONAL INJURY.—(1) Any United States citizen who dies or suffers injury caused by a foreign state's act of torture, extrajudicial killing, aircraft sabotage, or hostage taking committed on or after November 1, 1979, and any member of the immediate family of such citizen, shall have a claim for money damages against such foreign state, as authorized by subsection (a)(7), for death or personal injury (including economic damages, solatium, pain and suffering).

"(2) A claim under paragraph (1) shall not be subject to any other provision of law or any international agreement in effect on or after November 1, 1979, that would otherwise bar, preclude, terminate, extinguish, or suspend a claim for damages described in such paragraph."

SEC. _____. The Secretary of the Army, acting through the Chief of Engineers, shall use \$3,300,000 of funds available under the Construction, General appropriation, Corps of Engineers, Civil, to continue dam safety and seepage stability correction measures for the Waterburg Dam, VT project.

At the appropriate place, insert the following:

SEC. ____. **USE OF ORGANICALLY PRODUCED FEED FOR CERTIFICATION AS ORGANIC FARM.**

Section 771 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003 (division A of Public Law 108-7) is repealed.

At the appropriate place in the bill insert the following general provision:

SEC. ____. **WILD SEAFOOD.** Section 2107 of the Organic Foods Production Act of 1990 (7 U.S.C. 6503) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and

(2) by inserting after section (b) the following:

“(c) **WILD SEAFOOD.**—

“(1) **IN GENERAL.**—Notwithstanding the requirement of section 2107(a)(1)(A) requiring products be produced only on certified organic farms, the Secretary shall allow, through regulations promulgated after public notice and opportunity for comment, wild seafood to be certified or labeled as organic.

“(2) **CONSULTATION AND ACCOMMODATION.**—In carrying out paragraph (1), the Secretary shall—

“(A) consult with—

“(i) the Secretary of Commerce;

“(ii) the National Organic Standards Board established under section 2119;

“(iii) producers, processors, and sellers; and

“(iv) other interested members of the public; and

“(B) to the maximum extent practicable, accommodate the unique characteristics of the industries in the United States that harvest and process wild seafood.”

At the appropriate place, insert the following:

SEC. ____. **POSTAL PATRON POSTCARDS.**

The matter under the subheading “MISCELLANEOUS ITEMS” under the heading “CONTINGENT EXPENSES OF THE SENATE” under title I of the Legislative Branch Appropriations Act, 2003 (Public Law 108-7) is amended by striking “with a population of less than 250,000”.

At the appropriate place in the bill insert the following general provision:

“SEC. ____. None of the funds in this Act may be obligated or expended to pay for transportation described in section 41106 of title 49, United States Code, to be performed by any air carrier that is not effectively controlled by citizens of the United States.”

On page 12, line 9, after “expended,” insert the following:

“for ongoing military operations in Iraq, and those operations authorized by P.L. 107-040.”

At the end of chapter 3, insert the following:

“SEC. ____. (a) None of the funds appropriated by this Act may be obligated or expended to reduce the number of American Registry of Pathology personnel used by the Armed Forces Institute of Pathology for programs, projects, and activities of the Institute during fiscal year 2000 below the number of such personnel who are so used as of April 1, 2003.

(b) Of the total amount appropriated by chapter 3 of title I under the heading “Defense Health Program”, \$7,500,000 shall be available for the Armed Forces Institute of Pathology.

At the end of chapter 3, insert the following new provision:

SEC. 314. Of the funds appropriated in the Department of Defense Appropriations Act, the following funds are hereby rescinded from the following account and program in the specified amount:

“Research, Development, Test and Evaluation, Navy, 2003”, \$3,400,000.

Starting on page 2, line 11, strike all through line 6 on page 3, and insert in lieu thereof:

“DETENTION TRUSTEE

For an additional amount for “Detention Trustee” for the detention of Federal prisoners in the custody of the United States Marshals Service, \$45,000,000, to remain available until September 30, 2003.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY LAW ENFORCEMENT SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to administer and support joint Federal, State, local, and foreign law enforcement activities, including the design, development, test, deployment, maintenance, upgrade, or retirement of systems; the purchase, lease, loan, or maintenance of equipment and vehicles; the design, construction, maintenance, upgrade, or demolition of facilities; and travel, overtime, and other support, \$72,000,000, which shall remain available until December 31, 2003: *Provided*, That the funds provided under this heading shall be managed only by the Attorney General or the Deputy Attorney General to be transferred to, and merged with, any appropriations account under this title: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003, and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

FEDERAL BUREAU OF INVESTIGATION SALARIES AND EXPENSES

For an additional amount for “Federal Bureau of Investigation”, \$63,000,000, to remain available until December 31, 2003, of which \$13,380,000 shall be for language translation needs, of which \$20,270,000 shall be for the Federal Bureau of Investigation participation in the Terrorist Threat Integration Center, and of which \$29,350,000 shall be for the incorporation of the Foreign Terrorist Tracking Task Force into the Terrorist Threat Integration Center: *Provided*, That the funds provided under this heading shall not be available for obligation or expending except in compliance with the procedures set forth in Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

FEDERAL BUREAU OF INVESTIGATION CONSTRUCTION

For an additional amount for “Federal Bureau of Investigation, Construction”, \$10,000,000, to remain available until September 30, 2004, to accelerate construction and fit out of the new wing of the Engineering Research Facility.

OFFICE OF JUSTICE PROGRAMS STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for “State and Local Law Enforcement Assistance”, \$91,000,000, to remain available until December 31, 2003, for the terrorism prevention and response training for law enforcement and other responders for increased costs associated with heightened homeland security alerts and law enforcement needs related to the temporary replacement of veteran officers called to duty: *Provided*, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set

forth in Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for “Community Oriented Policing Services”, \$109,500,000, to remain available until December 31, 2003, shall be for the Community Oriented Policing Services, Interoperable Communications Technology Programs, for grants to States and localities to improve communications within and among law enforcement agencies: *Provided*, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.”

At the appropriate place in Title I, Chapter 6, insert the following:

**“FEDERAL EMERGENCY MANAGEMENT AGENCY
DISASTER RELIEF
(INCLUDING TRANSFERS OF FUNDS)
EMERGENCY MANAGEMENT PLANNING
AND ASSISTANCE**

For an additional amount, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404-405), and Reorganization Plan No. 3 of 197, \$109,500,000, to remain available until expended: *Provided*, That this amount shall be for grants to improve public safety communications and interoperability.”

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. Section 127b(b) of title 10, United States Code, is amended by striking “\$200,000” and inserting “\$5,000,000”.

At the appropriate place, insert the following:

SEC. ____. Section 626 of title VI of division B of Public Law 108-7 is amended by striking “previously”.

At the appropriate place in the bill add the following general provision:

“SEC. ____. Section 7304 of Public Law 107-110 is amended by striking “such as” and inserting in lieu thereof “operated by”.

On page 30, line 5, after the colon, insert the following:

Provided further, That up to \$20,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading “Andean Counterdrug Initiative” for aircraft, training, and other assistance for the Colombian Armed Forces:

Insert on page 69, after line 24, the following:

ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATIVE PROVISION

Within 30 days of enactment of this Act, the Administrator of the Environmental Protection Agency shall adjust each “maximum annual fee payable” pursuant to 7 U.S.C. 136a-1(i)(5)(D) and (E) in a manner such that Maintenance Fee collections made to reach the level authorized in Division K of Public Law 108-7 shall be established in the

same proportion as those Maintenance Fee collections authorized in Public Law 107-73.

At the appropriate place, add the following:

(a) The Secretary of the Army may accept funds from the State of Utah, and credit them to the appropriate Department of the Army accounts for the purpose of the funding of the costs associated with extending the runway at Michael Army Airfield, Dugway Proving Ground, Utah, as part of a previously authorized military construction project.

(b) The Secretary may use the funds accepted for the refurbishment, in addition to funds authorized and appropriated for the project. The authority to accept a contribution under this section does not authorize the Secretary of the Army to reduce expenditures of amounts appropriated for the refurbishment project. The funds accepted shall remain available until expended.

(c) The authority provided in this section shall be effective upon the date of the enactment of this Act.

Section 501(b) of title V of division N of the Consolidated Appropriations Resolution, 2003 is amended—

(1) by striking “program authorized for the fishery in Sec. 211” and inserting “programs authorized for the fisheries in sections 211 and 212”; and

(2) by striking “program in section 211” and inserting “programs in sections 211 and 212”.

On page 32, line 13 strike the period and add the following “: *Provided further*, That of the funds appropriated under this heading, \$4,300,000 shall be made available to the United States Agency for International Development Office of Inspector General for the purpose of monitoring and auditing expenditures for reconstruction and related activities in Iraq: *Provided further*, That such sums are in addition to funds otherwise made available by this Act to such office.

At the end of chapter three, insert the following:

SEC. ____ In the case of a member of the Armed Forces who is ill or injured as described in section 411h of title 37, United States Code, as a result of service on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the travel and transportation benefits under that section may be provided to members of the family of the ill or injured member without regard to whether there is a determination that the presence of the family member may contribute to the member's health and welfare.

At the end of chapter three, insert the following:

SEC. ____ (a) For a member of the Armed Forces medically evacuated for treatment in a medical facility, or for travel to a medical facility or the member's home station, by reason of an illness or injury incurred or aggravated by the member while on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the Secretary of the military department concerned may procure civilian attire suitable for wear by the member during the travel.

(b) The Secretary may not expend more than \$250 for the procurement of civilian attire for any member under subsection (a).

At the appropriate place, insert the following:

SEC. ____ TSA TO ISSUE LETTERS OF INTENT REGARDING INSTALLATION OF EDS AT AIRPORTS.

(a) IN GENERAL.—The Under Secretary of Homeland Security for Transportation and Border Security may issue letters of intent to airports to provide assistance for the installation of explosive detection systems by

the date prescribed by section 44901(d)(2)(i) of title 49, United States Code.

(b) REPORT.—Beginning 30 days after the date of enactment of this Act, and every 60 days thereafter in calendar year 2003, the Under Secretary shall transmit a classified report to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation describing each letter of intent issued by the Under Secretary under subsection (a).

At the appropriate place, insert the following:

SEC. ____ In accordance with section 873(b) of the Homeland Security Act of 2002 (6 U.S.C. 453(b)), the Bureau of Customs and Border Protection may accept donations of body armor for United States border patrol agents and United States border patrol canines if such donations would further the mission of protecting our Nation's border and ports of entry as determined by the Under Secretary for Border and Transportation Security.

On page 46, between lines 3 and 4, insert the following:

(e) REPORT ON BILL EMERSON HUMANITARIAN TRUST AND FUTURE OF UNITED STATES FOOD AID.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture (in coordination with the Administrator of the Agency for International Development) shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Subcommittees on Agriculture, Rural Development, and Related Agencies of the Committees on Appropriations of the House of Representatives and the Senate, a report that describes—

(1) the policy of the Secretary with respect to the Bill Emerson Humanitarian Trust established under the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1 et seq.), including whether that policy includes an intent to replenish the Trust; and

(2)(A) the means by which the Secretary proposes to ensure that the United States retains the long-term strategy and capability to respond to emergency international food shortages; and

(B) whether, and to what extent, other food aid programs conducted by the Secretary and the Administrator will be a part of that strategy.

At the end of chapter 2 of title I, add the following:

SEC. 210. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law as currently applied:

(1) Sections 2631 and 2631a of title 10, United States Code.

(2) Sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b), 1241f).

(3) Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500).

(4) Any other similar provision of law requiring the use of privately owned United States flag commercial vessels for certain transportation purposes of the United States.

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. Section 1605 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(h) CLAIMS FOR MONEY DAMAGES FOR DEATH OR PERSONAL INJURY.—(1) Any United States citizen who dies or suffers injury

caused by a foreign state's act of torture, extrajudicial killing, aircraft sabotage, or hostage taking committed on or after November 1, 1979, and any member of the immediate family of such citizen, shall have a claim for money damages against such foreign state, as authorized by subsection (a)(7), for death or personal injury (including economic damages, solatium, pain and suffering).

“(2) A claim under paragraph (1) shall not be barred or precluded by the Algiers Accords.”

At the appropriate place insert the following:

(b) INSPECTIONS.—The Bureau of Customs and Border Protection shall—

(1) inspect all commercial motor vehicles (as defined in section 31101(1) of title 49, United States Code) carrying municipal solid waste and seeking to enter the United States through the Blue Water Bridge port-of-entry in Port Huron, Michigan and the Ambassador Bridge port-of-entry in Detroit, Michigan and ensure that,

(c) by May 2003, the Blue Water Bridge in Port Huron, MI shall be:

(A) equipped with radiation detection equipment; and

(B) staffed by Bureau inspectors formally trained in the process of detecting radioactive materials in cargo and equipped with both portal monitor devices and hand-held isotope identifiers.

At the appropriate place insert the following:

SEC. ____ TECHNICAL ASSISTANCE FOR CONSERVATION PROGRAMS.

(a) IN GENERAL.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

“(b) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—Effective beginning on the date of enactment of the Agricultural Assistance Act of 2003, subject to paragraph (2), Commodity Credit Corporation funds made available under paragraphs (4) through (7) of subsection (a) shall be available for the provision of technical assistance (subject to section 1242) for the conservation programs specified in subsection (a).

“(2) CONSERVATION SECURITY PROGRAM.—Effective for fiscal year 2004 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out the conservation security program under subsection (a)(3)—

“(A) shall be available for the provision of technical assistance for the conservation security program; and

“(B) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the conservation security program.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on February 20, 2003.

At the end of title IV, insert the following:

SEC. ____ It is the sense of the Senate that—

(1) the asset acquisition of Trans World Airlines by American Airlines was a positive action that should be commended;

(2) although the acquisition was a positive action, the combination of the 2 airlines has resulted in a difficult seniority integration for the majority of the employee groups involved;

(3) airline layoffs from American Airlines should be conducted in a manner that maintains the maximum level of fairness and equitable treatment for all parties involved; and

(4) American Airlines should encourage its employee groups to integrate all employees in a manner that is fair and equitable for all parties involved.

SA 523. Mr. FRIST (for Mr. BINGAMAN) proposed an amendment to the bill S. 302, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes; as follows:

On page 3, strike lines 19 through 25 and insert "numbered NPS-80,079D and dated February 2003."

SA 524. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

SEC. 410. DEPARTMENT OF HOMELAND SECURITY.

(a) DIRECTOR OF STATE AND LOCAL GOVERNMENT COORDINATION.—Section 801(a) of the Homeland Security Act of 2002 (Public Law 107-296) is amended to read as follows:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the Office of the Secretary the Office for State and Local Government Coordination, to oversee and coordinate departmental programs for and relationships with State and local governments.

"(2) DIRECTOR.—The Office established under paragraph (1) shall be headed by the Director of State and Local Government Coordination, who shall be appointed by the President, by and with the advice and consent of the Senate."

(b) OFFICE FOR DOMESTIC PREPAREDNESS.—The Homeland Security Act of 2002 (Public Law 107-296) is amended—

(1) by redesignating section 430 as section 802 and transferring that section to the end of subtitle A of title VIII;

(2) in section 802, as redesignated by paragraph (1)—

(A) in subsection (a), by striking "the Directorate of Border and Transportation Security" and inserting "the Office for State and Local Government Coordination";

(B) in subsection (b), by striking "who shall be appointed by the President" and all that follows and inserting "who shall report directly to the Director of State and Local Government Coordination."; and

(C) in subsection (c)(7)—

(i) by striking "other" and inserting "the"; and

(ii) by striking "consistent with the mission and functions of the Directorate".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate on Thursday, April 3, 2003. The purpose of this hearing will be to review the reauthorization of child nutrition programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 3, 2003, at 10 a.m., to conduct an oversight hearing on "The Federal Reserve Board Proposal on Check Truncation."

The committee will also vote on the nominations of Mr. Alfred Plamann, of California, to be a member of the Board of Directors of the National Consumer Cooperative Bank; Mr. Thomas Waters Grant, of New York, to be a director of the Securities Investor Protection Corporation; Mr. Noe Hinojosa, Jr., of Texas, to be a director of the Securities Investor Protection Corporation; and Mr. William Robert Timken, Jr., of Ohio, to be a director of the Securities Investor Protection Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, April 3, 2003, at 9:15 a.m., to hear testimony on the Purchasing Health Care Services in a Competitive Environment.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 3, 2003 at 10 a.m. to hold a hearing on Western Hemisphere Nominations.

Nominees: Mr. Lino Gutierrez to be Ambassador to Argentina; Mr. James Foley to be Ambassador to Haiti; and Mr. Roland W. Bullen to be Ambassador to Guyana.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 3, 2003, at 2:30 p.m., to hold a hearing on NATO enlargement.

Witnesses: Latvia, Lithuania, and Estonia—Dr. F. Stephen Larrabee, Senior Staff Member, RAND, Arlington, VA; Bulgaria and Romania—Mr. Janusz Bugajski, Director, Eastern Europe Project, Center for Strategic and International Studies, Washington, DC; and Slovakia and Slovenia—Dr. Jeff Simon, Senior Fellow, National Defense University, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thurs-

day, April 3, 2003, at 9:30 a.m., in SD 226.

I. Nominations: Edward C. Prado to be U.S. Circuit Judge for the Fifth Circuit; Richard D. Bennett to be U.S. District Judge for the District of Maryland; Dee D. Drell to be U.S. District Judge for the Western District of Louisiana; J. Leon Holmes to be U.S. District Judge for the Eastern District of Arkansas; Susan G. Braden to be Judge for the Court of Federal Claims; Charles F. Lettow to be Judge for the Court of Federal Claims; Raul David Bejarano to be U.S. Marshall for the Southern District of California; and Allen Garber to be U.S. Marshall for the District of Minnesota.

II. Bills: S. 274 Class Action Fairness Act of 2003 and S. 731 Secure Authentication Feature and Enhanced Identification Defense Act of 2003 ("SAFE ID Act").

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 3, 2003, at 2:30 p.m., in open session to receive testimony on Navy, Marine Corps, and Air Force aviation and air-launched weapons programs, in review of the Defense authorization request for fiscal year 2004 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Jason Matthews of my staff be allowed on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at 5 p.m., on Monday, April 7, the Senate proceed to executive session and an immediate vote on the confirmation of Calendar No. 78, Cormac Carney, to be U.S. District Judge for the Central District of California; I further ask consent that following that vote, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 476

Mr. FRIST. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to Calendar

No. 22, S. 476, the CARE Act, and it be considered under the following limitation: there be 4 hours of general debate, equally divided in the usual form; provided that the only amendments in order be the following: a managers' amendment, which will be at the desk; a Nickles amendment, conservation; provided further, that there be 30 minutes of debate on the amendments, equally divided in the usual form. I further ask consent that following the disposition of the above amendments, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, as amended, with no intervening action or debate. I finally ask consent that no points of order be waived by virtue of this agreement, and that following passage of the bill, it be held at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Mr. President, reserving my right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. If the majority leader would respond, we had the opportunity to talk about this particular piece of legislation. Senator SANTORUM has taken out elements of the legislation that do not apply to the tax rules. And we discussed, and I think reached an understanding, that those charitable choice items that would pose significant issues with respect to church and state have been eliminated from the underlying bill.

The bill we will consider is from the Finance Committee with simple tax provisions. And I know that Senator SANTORUM has indicated he would use his efforts, and your efforts presumably, in the conference to prevent the addition of those elements to which we have objected.

And I would assume that despite your best efforts, if such elements were included within the bill when it came back in the form of a conference report, this Senate would not take up such a conference report. Is that a fair understanding?

Mr. FRIST. Mr. President, the Senator from Rhode Island is correct in the nature of the discussion between the Senator from Pennsylvania, myself, and the Senator from Rhode Island.

Mr. REED. Further reserving my right to object, I notice that in the managers' amendment there is language with respect to the Compassionate Capital Fund, which is not a tax-financed provision. It essentially is authorizing a program that was begun in the appropriations bill a few years ago.

Questions have been raised with the use of these funds, et cetera. I wonder, in order to expedite this, if that particular provision of the managers' amendment could be either deleted or it could be placed in a position where a possible amendment could be raised.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, what I would prefer to do is refer that question to the manager of the bill because I am not familiar with that aspect of it. That will be Mr. SANTORUM, the Senator from Pennsylvania.

Mr. REED. Mr. President, again, I am also operating on some knowledge, but not complete knowledge, of why this provision is in the managers' amendment. I am prepared to accept the underlying agreement; I just have this one question which I find, at this point, important with respect to this Compassionate Capital Fund.

But as far as your assertions, which I appreciate, and the underlying legislation, I have no problem with this consent; it is just that one point about the managers' amendment.

I don't know what you would like to do to try to resolve that, though.

Mr. FRIST. Mr. President, I am not in a position now to withdraw that amendment at this juncture. I am simply not familiar enough with it. I understand there was an agreement that it be there as part of it. I think we can continue the discussion on Monday when we are back in. But right now, I am not in a position to withdraw that.

Mr. REID. If the Senator would yield.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If I could direct a question to the Senator from Rhode Island: Is this the understanding the Senator had with the Senator from Pennsylvania?

Mr. REED. The understanding I had with the Senator from Pennsylvania, to be fair and accurate, did not reach the contents of the managers' amendment. It was my impression that the managers' amendment would simply be tax amendments with respect to the Internal Revenue Code and the jurisdiction of the Finance Committee.

I am a bit surprised, frankly, coming this evening and seeing something that is not within the traditional scope of the Finance Committee. Perhaps I might be wrong. This is something I didn't expect, but I must be very fair and accurate that this was not an issue we even discussed.

My presumption was that all the amendments would be strictly related to tax provisions and not to this Compassionate Capital Fund. I must say, I understand that the funds have been appropriated under the context of this Compassionate Capital Fund. This is an attempt to provide legislative language. I have not had a chance to look at the language. It is included within a managers' amendment without any opportunity to amend the managers' amendment. I am in an awkward position.

Mr. REID. Mr. President, if I could make a suggestion: If we could modify the leader's request that there be a motion to strike in order if the Senator from Pennsylvania can't work this out with the Senator from Rhode Island, this one provision.

Mr. FRIST. Mr. President, we can check on that. It is my understanding

that this has been available to the other side, that this had been agreed to. If not, at this juncture I am just not in a position to agree to a motion to strike.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. REED. Mr. President, once again, reserving my right to object, I think both the majority leader and the Senator from Pennsylvania have been operating completely in good faith, have made sincere efforts to respond to our concerns. At this juncture, I would hope we could work out, through an amendment to the consent, a provision at least to give us the opportunity to look at it. I, frankly, having just seen this, this evening, I don't know if this simply codifies what is already operating and is, in a sense, innocuous or something more. It is not my intention to try at this point to upset the agreement because I think it was reached after much effort on both sides. It is a good-faith agreement.

I wonder if there is some way we can maintain the opportunity to look at this, agree to the consent this evening, look at it, and if it is something highly objectionable, at least have the opportunity to strike.

I think the suggestion by the Senator from Nevada is a good one. Frankly, I must say I am not prepared at this moment to offer a conclusion as to whether this should be here or not. I am just surprised that a nontax item is included in the managers' amendment along with others that are relatively noncontroversial.

Mr. REID. I apologize to the leader. If I could make a suggestion, I know how deeply the Senator from Pennsylvania feels about this legislation. I am confident he wouldn't do anything that was untoward purposely. So I hope the Senator from Rhode Island will accept this agreement, and we will work with Senator SANTORUM to see if something can be done. I will personally work with Senator SANTORUM to see if he would allow us a motion to strike, but that is not part of this deal.

Mr. REED. If I may reclaim my time, again, both the leader and the Senator have been extremely cooperative and helpful in trying to reach this point. I understand that once this legislation is passed by the Senate, it will be placed on the desk, and there are procedural opportunities there, I believe, to try to address this at least to somehow get an opportunity to look at this measure. Also with the opportunity to look at this over the course of the next few days, my apprehensions might be misplaced and we can proceed forward. But I think, again, the intention and the understanding we had have been met. I am just surprised about the inclusion of this particular position in something like a technical managers' amendment. Given the commitment the majority leader has made, certainly, about the overall status of this legislation, should it return from the other body,

then I would not object to the consent at this time.

Hopefully, over the next few days we will learn a little bit more about this compassionate fund and perhaps even deal with it if it is a problem on Monday.

Mr. FRIST. Mr. President, my response is that we will work in good faith with the Senator from Rhode Island as well as the assistant Democratic leader. I hesitate at this juncture to speak on behalf of the Senator from Pennsylvania. Again, we are committed on both sides to working in good faith. We have been able to do that to date. So I would ask once again for the unanimous consent as propounded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECT ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives to accompany S. 151 to amend title 18, United States Code, with respect to the sexual exploitation of children.

There being no objection, the Presiding Officer (Mr. TALENT) laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the bill (S. 151) entitled "An Act to amend title 18, United States Code, with respect to the sexual exploitation of children", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

From the Committee on the Judiciary, for consideration of the Senate bill and the House amendments, and modifications committed to conference: Mr. Sensenbrenner, Mr. Coble, Mr. Smith of Texas, Mr. Green of Wisconsin, Ms. Hart, Mr. Conyers, and Mr. Scott.

For consideration of the Senate bill and House amendments, and modifications committed to conference: Mr. Frost.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate disagree with the House amendment and request a conference, and the Chair be authorized to appoint conferees, with the ratio of 4 to 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. TALENT) appointed Mr. HATCH, Mr. GRASSLEY, Mr. SESSIONS, Mr. GRAHAM of South Carolina, Mr. LEAHY, Mr. KENNEDY, and Mr. BIDEN conferees on the part of the Senate.

KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003

Mr. FRIST. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on the bill (S. 342) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reau-

thorize programs under that Act, and for other purposes.

The Presiding Officer laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 342) entitled "An Act to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Keeping Children and Families Safe Act of 2003".

(b) *TABLE OF CONTENTS*.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 101. Findings.

Subtitle A—General Program

Sec. 111. National Clearinghouse for Information Relating to Child Abuse.

Sec. 112. Research and assistance activities and demonstrations.

Sec. 113. Grants to States and public or private agencies and organizations.

Sec. 114. Grants to States for child abuse and neglect prevention and treatment programs.

Sec. 115. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.

Sec. 116. Miscellaneous requirements relating to assistance.

Sec. 117. Authorization of appropriations.

Sec. 118. Reports.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

Sec. 121. Purpose and authority.

Sec. 122. Eligibility.

Sec. 123. Amount of grant.

Sec. 124. Existing grants.

Sec. 125. Application.

Sec. 126. Local program requirements.

Sec. 127. Performance measures.

Sec. 128. National network for community-based family resource programs.

Sec. 129. Definitions.

Sec. 130. Authorization of appropriations.

Subtitle C—Conforming Amendments

Sec. 141. Conforming amendments.

TITLE II—ADOPTION OPPORTUNITIES

Sec. 201. Congressional findings and declaration of purpose.

Sec. 202. Information and services.

Sec. 203. Study of adoption placements.

Sec. 204. Studies on successful adoptions.

Sec. 205. Authorization of appropriations.

TITLE III—ABANDONED INFANTS ASSISTANCE

Sec. 301. Findings.

Sec. 302. Establishment of local programs.

Sec. 303. Evaluations, study, and reports by Secretary.

Sec. 304. Authorization of appropriations.

Sec. 305. Definitions.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Sec. 401. State demonstration grants.

Sec. 402. Secretarial responsibilities.

Sec. 403. Evaluation.

Sec. 404. Information and technical assistance centers.

Sec. 405. Authorization of appropriations.

Sec. 406. Grants for State domestic violence coalitions.

Sec. 407. Evaluation and monitoring.

Sec. 408. Family member abuse information and documentation project.

Sec. 409. Model State leadership grants.

Sec. 410. National domestic violence hotline grant.

Sec. 411. Youth education and domestic violence.

Sec. 412. Demonstration grants for community initiatives.

Sec. 413. Transitional housing assistance.

Sec. 414. Technical and conforming amendments.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), by striking "close to 1,000,000" and inserting "approximately 900,000";

(2) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively;

(3) by inserting after paragraph (1) the following:

"(2)(A) more children suffer neglect than any other form of maltreatment; and

"(B) investigations have determined that approximately 63 percent of children who were victims of maltreatment in 2000 suffered neglect, 19 percent suffered physical abuse, 10 percent suffered sexual abuse, and 8 percent suffered emotional maltreatment;

"(3)(A) child abuse can result in the death of a child;

"(B) in 2000, an estimated 1,200 children were counted by child protection services to have died as a result of abuse or neglect; and

"(C) children younger than 1 year old comprised 44 percent of child abuse fatalities and 85 percent of child abuse fatalities were younger than 6 years of age";

(4) by striking paragraph (4) (as so redesignated), and inserting the following:

"(4)(A) many of these children and their families fail to receive adequate protection and treatment;

"(B) slightly less than half of these children (45 percent in 2000) and their families fail to receive adequate protection or treatment; and

"(C) in fact, approximately 80 percent of all children removed from their homes and placed in foster care in 2000, as a result of an investigation or assessment conducted by the child protective services agency, received no services";

(5) in paragraph (5) (as so redesignated)—

(A) in subparagraph (A), by striking "organizations" and inserting "community-based organizations";

(B) in subparagraph (D), by striking "ensures" and all that follows through "knowledge," and inserting "recognizes the need for properly trained staff with the qualifications needed"; and

(C) in subparagraph (E), by inserting before the semicolon the following: "which may impact child rearing patterns, while at the same time, not allowing those differences to enable abuse";

(6) in paragraph (7) (as so redesignated), by striking "this national child and family emergency" and inserting "child abuse and neglect"; and

(7) in paragraph (9) (as so redesignated)—

(A) by striking "intensive" and inserting "needed"; and

(B) by striking "if removal has taken place" and inserting "where appropriate".

Subtitle A—General Program

SEC. 111. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

(a) *FUNCTIONS*.—Section 103(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)) is amended—

(1) in paragraph (1), by striking "all programs," and all that follows through "neglect; and" and inserting "all effective programs, including private and community-based programs,

that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication;";

(2) in paragraph (2), by striking the period and inserting a semicolon;

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

"(2) maintain information about the best practices used for achieving improvements in child protective systems;"; and

(5) by adding at the end the following:

"(4) provide technical assistance upon request that may include an evaluation or identification of—

"(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

"(B) ways to mitigate psychological trauma to the child victim; and

"(C) effective programs carried out by the States under this Act; and

"(5) collect and disseminate information relating to various training resources available at the State and local level to—

"(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

"(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel.".

(b) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)) is amended—

(1) in subparagraph (E), by striking "105(a); and" and inserting "104(a);";

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and".

SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES AND DEMONSTRATIONS.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), in the first sentence, by inserting ", including longitudinal research," after "interdisciplinary program of research"; and

(B) in subparagraph (B), by inserting before the semicolon the following: ", including the effects of abuse and neglect on a child's development and the identification of successful early intervention services or other services that are needed";

(C) in subparagraph (C)—

(i) by striking "judicial procedures" and inserting "judicial systems, including multidisciplinary, coordinated decisionmaking procedures"; and

(ii) by striking "and" at the end; and

(D) in subparagraph (D)—

(i) in clause (viii), by striking "and" at the end;

(ii) by redesignating clause (ix) as clause (x); and

(iii) by inserting after clause (viii), the following:

"(ix) the incidence and prevalence of child maltreatment by a wide array of demographic characteristics such as age, sex, race, family structure, household relationship (including the living arrangement of the resident parent and family size), school enrollment and education attainment, disability, grandparents as caregivers, labor force status, work status in previous year, and income in previous year; and";

(E) by redesignating subparagraph (D) as subparagraph (I); and

(F) by inserting after subparagraph (C), the following:

"(D) the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (12) of section 106(a);

"(E) effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

"(F) an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources;

"(G) the nature, scope, and practice of voluntary relinquishment for foster care or State guardianship of low income children who need health services, including mental health services;

"(H) the information on the national incidence of child abuse and neglect specified in clauses (i) through (x) of subparagraph (I); and";

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) Not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, and every 2 years thereafter, the Secretary shall provide an opportunity for public comment concerning the priorities proposed under subparagraph (A) and maintain an official record of such public comment.";

(3) by redesignating paragraph (2) as paragraph (4);

(4) by inserting after paragraph (1) the following:

"(2) RESEARCH.—The Secretary shall conduct research on the national incidence of child abuse and neglect, including the information on the national incidence on child abuse and neglect specified in clauses (i) through (x) of paragraph (1)(I).

"(3) REPORT.—Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).".

(b) PROVISION OF TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1)—

(A) by striking "nonprofit private agencies and" and inserting "private agencies and community-based"; and

(B) by inserting ", including replicating successful program models," after "programs and activities"; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.".

(c) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended by adding at the end the following:

"(e) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may award grants to, and enter into contracts with, States or public or private agencies or organizations (or combinations of such agencies or organizations) for

time-limited, demonstration projects for the following:

"(1) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants under this subsection to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

"(A) for court-ordered, supervised visitation between children and abusing parents; and

"(B) to safely facilitate the exchange of children for visits with noncustodial parents in cases of domestic violence.

"(2) EDUCATION IDENTIFICATION, PREVENTION, AND TREATMENT.—The Secretary may award grants under this subsection to entities for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

"(3) RISK AND SAFETY ASSESSMENT TOOLS.—The Secretary may award grants under this subsection to entities for projects that provide for the development of research-based risk and safety assessment tools relating to child abuse and neglect.

"(4) TRAINING.—The Secretary may award grants under this subsection to entities for projects that involve research-based innovative training for mandated child abuse and neglect reporters.".

SEC. 113. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

(a) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended—

(1) in the subsection heading, by striking "DEMONSTRATION" and inserting "GRANTS FOR";

(2) in the matter preceding paragraph (1)—

(A) by inserting "States," after "contracts with,";

(B) by striking "nonprofit"; and

(C) by striking "time limited, demonstration";

(3) in paragraph (1)—

(A) in subparagraph (A), by striking "law, education, social work, and other relevant fields" and inserting "law enforcement, judiciary, social work and child protection, education, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardian ad litem,";

(B) in subparagraph (B), by striking "nonprofit" and all that follows through "; and" and inserting "children, youth and family service organizations in order to prevent child abuse and neglect;";

(C) in subparagraph (C), by striking the period and inserting a semicolon;

(D) by adding at the end the following:

"(D) for training to support the enhancement of linkages between child protective service agencies and health care agencies, including physical and mental health services, to improve forensic diagnosis and health evaluations and for innovative partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing Federal, State, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse or neglect;

"(E) for the training of personnel in best practices to promote collaboration with the families from the initial time of contact during the investigation through treatment;

"(F) for the training of personnel regarding the legal duties of such personnel and their responsibilities to protect the legal rights of children and families;

"(G) for improving the training of supervisory and nonsupervisory child welfare workers;

"(H) for enabling State child welfare agencies to coordinate the provision of services with State and local health care agencies, alcohol and drug

abuse prevention and treatment agencies, mental health agencies, and other public and private welfare agencies to promote child safety, permanence, and family stability;

"(I) for cross training for child protective service workers in research-based methods for recognizing situations of substance abuse, domestic violence, and neglect; and

"(J) for developing, implementing, or operating information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

"(i) professionals and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health care facilities; and

"(ii) the parents of such infants.";

(4) by redesignating paragraph (2) and (3) as paragraphs (3) and (4), respectively;

(5) by inserting after paragraph (1), the following:

"(2) **TRIAGE PROCEDURES.**—The Secretary may award grants under this subsection to public and private agencies that demonstrate innovation in responding to reports of child abuse and neglect, including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, law enforcement agencies, developmental disability agencies, substance abuse treatment entities, health care entities, domestic violence prevention entities, mental health service entities, schools, churches and synagogues, and other community agencies, to allow for the establishment of a triage system that—

"(A) accepts, screens, and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program, or project;

"(B) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

"(C) provides further investigation and intensive intervention where the child's safety is in jeopardy.";

(6) in paragraph (3) (as so redesignated), by striking "(such as Parents Anonymous)";

(7) in paragraph (4) (as so redesignated)—

(A) by striking the paragraph designation and heading;

(B) by striking subparagraphs (A) and (C); and

(C) in subparagraph (B)—

(i) by striking "(B) **KINSHIP CARE.**—" and inserting the following:

"(4) **KINSHIP CARE.**—" and

(ii) by striking "nonprofit"; and

(8) by adding at the end the following:

"(5) **LINKAGES BETWEEN CHILD PROTECTIVE SERVICE AGENCIES AND PUBLIC HEALTH, MENTAL HEALTH, AND DEVELOPMENTAL DISABILITIES AGENCIES.**—The Secretary may award grants to entities that provide linkages between State or local child protective service agencies and public health, mental health, and developmental disabilities agencies, for the purpose of establishing linkages that are designed to help assure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated."

(b) **DISCRETIONARY GRANTS.**—Section 105(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) by inserting after paragraph (2) (as so redesignated), the following:

"(3) Programs based within children's hospitals or other pediatric and adolescent care facilities, that provide model approaches for improving medical diagnosis of child abuse and

neglect and for health evaluations of children for whom a report of maltreatment has been substantiated."; and

(4) in paragraph (4)(D), by striking "non-profit".

(c) **EVALUATION.**—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(c)) is amended—

(1) in the first sentence, by striking "demonstration";

(2) in the second sentence, by inserting "or contract" after "or as a separate grant"; and

(3) by adding at the end the following: "In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.";

(d) **TECHNICAL AMENDMENT TO HEADING.**—The section heading for section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended to read as follows:

"SEC. 105. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS."

SEC. 114. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) **DEVELOPMENT AND OPERATION GRANTS.**—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in paragraph (3)—

(A) by inserting ", including ongoing case monitoring," after "case management"; and

(B) by inserting "and treatment" after "and delivery of services";

(2) in paragraph (4), by striking "improving" and all that follows through "referral systems" and inserting "developing, improving, and implementing risk and safety assessment tools and protocols";

(3) by striking paragraph (7);

(4) by redesignating paragraphs (5), (6), (8), and (9) as paragraphs (6), (8), (9), and (12), respectively;

(5) by inserting after paragraph (4), the following:

"(5) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange";

(6) in paragraph (6) (as so redesignated), by striking "opportunities" and all that follows through "system" and inserting "including training regarding research-based practices to promote collaboration with the families and the legal duties of such individuals";

(7) by inserting after paragraph (6) (as so redesignated) the following:

"(7) improving the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in the recruitment and retention of caseworkers";

(8) by striking paragraph (9) (as so redesignated), and inserting the following:

"(9) developing and facilitating research-based training protocols for individuals mandated to report child abuse or neglect;

"(10) developing, implementing, or operating programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

"(A) existing social and health services;

"(B) financial assistance; and

"(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption;

"(11) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect";

(9) in paragraph (12) (as so redesignated), by striking the period and inserting a semicolon; and

(10) by adding at the end the following:

"(13) supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems; or

"(14) supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.";

(b) **ELIGIBILITY REQUIREMENTS.**—

(1) **IN GENERAL.**—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(A) in paragraph (1)(B)—

(i) by striking "provide notice to the Secretary of any substantive changes" and inserting the following: "provide notice to the Secretary—

"(i) of any substantive changes";

(ii) by striking the period and inserting "and"; and

(iii) by adding at the end the following:

"(ii) any significant changes to how funds provided under this section are used to support the activities which may differ from the activities as described in the current State application.";

(B) in paragraph (2)(A)—

(i) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), and (xiii) as clauses (iii), (v), (vi), (vii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi), respectively;

(ii) by inserting after clause (i), the following:

"(ii) policies and procedures to address the needs of infants born and identified with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication or withdrawal syndrome, or neonatal physical or neurological harm resulting from prenatal drug exposure, including—

"(I) the requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition in such infants, except that such notification shall not be construed to create a definition under Federal law of what constitutes child abuse and such notification shall not be construed to require prosecution for any illegal action; and

"(II) the development of a safe plan of care for the infant under which consideration may be given to providing the mother with health services (including mental health services), social services, parenting services, and substance abuse prevention and treatment counseling and to providing the infant with referral to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need for services provided under part C of such Act";

(iii) in clause (iii) (as so redesignated), by inserting "risk and" before "safety";

(iv) by inserting after clause (iii) (as so redesignated), the following:

"(iv) triage procedures for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service";

(v) in clause (vii)(II) (as so redesignated), by striking ", having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect" and inserting ", as described in clause (viii)";

(vi) by inserting after clause (vii) (as so redesignated), the following:

"(viii) provisions to require a State to disclose confidential information to any Federal, State,

or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;";

(vii) in clause (xii) (as so redesignated)—

(I) by inserting "who has received training appropriate to the role, and" after "guardian ad litem"; and

(II) by inserting "who has received training appropriate to that role" after "advocate";

(viii) in clause (xiv) (as so redesignated), by striking "to be effective not later than 2 years after the date of the enactment of this section";

(ix) in clause (xv) (as so redesignated)—

(I) by striking "to be effective not later than 2 years after the date of the enactment of this section"; and

(II) by striking "and" at the end;

(x) in clause (xvi) (as so redesignated), by striking "clause (xii)" each place that such appears and inserting "clause (xv)"; and

(xi) by adding at the end the following:

"(xvii) provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant;

"(xviii) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

"(xix) provisions and procedures for improving the training, retention, and supervision of caseworkers;

"(xx) provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need of services provided under part C of such Act; and

"(xxi) not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, provisions and procedures for requiring criminal background record checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;"; and

(C) in paragraph (2), by adding at the end the following flush sentence:

"Nothing in subparagraph (A) shall be construed to limit the State's flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.".

(2) **LIMITATION.**—Section 106(b)(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(3)) is amended by striking "With regard to clauses (v) and (vi) of paragraph (2)(A)" and inserting "With regard to clauses (vi) and (vii) of paragraph (2)(A)".

(c) **CITIZEN REVIEW PANELS.**—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(I) in paragraph (4)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking "and procedures" and inserting "procedures, and practices"; and

(II) by striking "the agencies" and inserting "State and local child protection system agencies"; and

(ii) in clause (iii)(I), by striking "State" and inserting "State and local"; and

(B) by adding at the end the following:

"(C) **PUBLIC OUTREACH.**—Each panel shall provide for public outreach and comment in order to assess the impact of current procedures

and practices upon children and families in the community and in order to meet its obligations under subparagraph (A)."; and

(2) in paragraph (6)—

(A) by striking "public" and inserting "State and the public"; and

(B) by inserting before the period the following: "and recommendations to improve the child protection services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to the State and local child protection systems that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system".

(d) **ANNUAL STATE DATA REPORTS.**—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended by adding at the end the following:

"(13) The annual report containing the summary of the activities of the citizen review panels of the State required by subsection (c)(6).

"(14) The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.".

(e) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that describes the extent to which States are implementing the policies and procedures required under section 106(b)(2)(B)(ii) of the Child Abuse Prevention and Treatment Act.

SEC. 115. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

Section 107(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) the handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect.".

SEC. 116. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended by adding at the end the following:

"(d) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this title to ensure that children and families with limited English proficiency who participate in programs under this title are provided materials and services under such programs in an appropriate language other than English.".

SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

(a) **GENERAL AUTHORIZATION.**—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended to read as follows:

"(1) **GENERAL AUTHORIZATION.**—There are authorized to be appropriated to carry out this title \$120,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.".

(b) **DEMONSTRATION PROJECTS.**—Section 112(a)(2)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(2)(B)) is amended—

(I) by striking "Secretary make" and inserting "Secretary shall make"; and

(2) by striking "section 106" and inserting "section 104".

SEC. 118. REPORTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

"(c) **STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.**—

"(1) **STUDY.**—The Secretary shall conduct a study by random sample of the effectiveness of the citizen review panels established under section 106(c).

"(2) **REPORT.**—Not later than 3 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).".

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

SEC. 121. PURPOSE AND AUTHORITY.

(a) **PURPOSE.**—Section 201(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(a)(1)) is amended to read as follows:

"(1) to support community-based efforts to develop, operate, expand, enhance, and, where appropriate to network, initiatives aimed at the prevention of child abuse and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect; and"

(b) **AUTHORITY.**—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking "Statewide" and all that follows through the dash, and inserting "community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate) that are accessible, effective, culturally appropriate, and build upon existing strengths that—";

(B) in subparagraph (F), by striking "and" at the end; and

(C) by striking subparagraph (G) and inserting the following:

"(G) demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and

"(H) provide referrals to early health and developmental services;"; and

(2) in paragraph (4)—

(A) by inserting "through leveraging of funds" after "maximizing funding";

(B) by striking "a Statewide network of community-based, prevention-focused" and inserting "community-based and prevention-focused"; and

(C) by striking "family resource and support program" and inserting "programs and activities designed to prevent child abuse and neglect (through networks where appropriate)".

(c) **TECHNICAL AMENDMENT TO TITLE HEAD-ING.**—Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended by striking the heading for such title and inserting the following:

"TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT".

SEC. 122. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "a Statewide network of community-based, prevention-focused" and inserting "community-based and prevention-focused"; and

(ii) by striking "family resource and support programs" and all that follows through the semicolon and inserting "programs and activities designed to prevent child abuse and neglect (through networks where appropriate);"

(B) in subparagraph (B), by inserting “that exists to strengthen and support families to prevent child abuse and neglect” after “written authority of the State”);

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “a network of community-based family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)”;

(B) in subparagraph (B)—

(i) by striking “to the network”; and

(ii) by inserting “, and parents with disabilities” before the semicolon;

(C) in subparagraph (C), by striking “to the network”; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)”;

(B) in subparagraph (B), by striking “Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)”;

(C) in subparagraph (C), by striking “and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)”;

(D) in subparagraph (D), by inserting “, parents with disabilities,” after “children with disabilities”.

SEC. 123. AMOUNT OF GRANT.

Section 203(b)(1)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1)(B)) is amended—

(1) by striking “as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the” and inserting “as the amount of private, State or other non-Federal funds leveraged and directed through the currently designated”; and

(2) by striking “the lead agency” and inserting “the current lead agency”.

SEC. 124. EXISTING GRANTS.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5115c) is repealed.

SEC. 125. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraph (1), by striking “Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)”;

(2) in paragraph (2)—

(A) by striking “network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)”;

(B) by striking “, including those funded by programs consolidated under this Act.”;

(3) by striking paragraph (3), and inserting the following:

“(3) a description of the inventory of current unmet needs and current community-based and prevention-focused programs and activities to prevent child abuse and neglect, and other family resource services operating in the State.”;

(4) in paragraph (4), by striking “State’s network of community-based, prevention-focused,

family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(5) in paragraph (5), by striking “Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “start up, maintenance, expansion, and redesign of community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(6) in paragraph (7), by striking “individual community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(7) in paragraph (8), by striking “community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(8) in paragraph (9), by striking “community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(9) in paragraph (10), by inserting “(where appropriate)” after “members”;

(10) in paragraph (11), by striking “prevention-focused, family resource and support program” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”; and

(11) by redesignating paragraph (13) as paragraph (12).

SEC. 126. LOCAL PROGRAM REQUIREMENTS.

Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “prevention-focused, family resource and support programs” and inserting “and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “family resource and support services” and inserting “family support services for the prevention of child abuse and neglect”;

(ii) in clause (iii), by striking “and” at the end; and

(iii) by adding at the end the following:

“(v) respite care;

“(vi) home visiting; and

“(vii) family support services.”; and

(B) in subparagraph (B), by inserting “voluntary home visiting and” after “including”; and

(3) by striking paragraph (6) and inserting the following:

“(6) participate with other community-based and prevention-focused programs and activities to prevent child abuse and neglect in the development, operation and expansion of networks where appropriate.”

SEC. 127. PERFORMANCE MEASURES.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116f) is amended—

(1) in paragraph (1), by striking “a Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities to prevent child abuse and neglect”;

(2) by striking paragraph (3), and inserting the following:

“(3) shall demonstrate that they will have addressed unmet needs identified by the inventory and description of current services required under section 205(3);”;

(3) in paragraph (4),

(A) by inserting “and parents with disabilities,” after “children with disabilities.”; and

(B) by striking “evaluation of” the first place it appears and all that follows through “under this title” and inserting “evaluation of community-based and prevention-focused programs and activities to prevent child abuse and neglect, and in the design, operation and evaluation of the networks of such community-based and prevention-focused programs”;

(4) in paragraph (5), by striking “, prevention-focused, family resource and support programs” and inserting “and prevention-focused programs and activities designed to prevent child abuse and neglect”;

(5) in paragraph (6), by striking “Statewide network of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”; and

(6) in paragraph (8), by striking “community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”.

SEC. 128. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g(3)) is amended by striking “Statewide networks of community-based, prevention-focused, family resource and support programs” and inserting “community-based and prevention-focused programs and activities designed to prevent child abuse and neglect”.

SEC. 129. DEFINITIONS.

(a) CHILDREN WITH DISABILITIES.—Section 209(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(1)) is amended by striking “given such term in section 602(a)(2)” and inserting “given the term ‘child with a disability’ in section 602(3) or ‘infant or toddler with a disability’ in section 632(5)”.

(b) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended—

(1) by striking paragraphs (3) and (4);

(2) by inserting the following after paragraph (2):

“(3) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—The term ‘community-based and prevention-focused programs and activities to prevent child abuse and neglect’ includes organizations such as family resource programs, family support programs, voluntary home visiting programs, respite care programs, parenting education, mutual support programs, and other community programs that provide activities that are designed to prevent or respond to child abuse and neglect.”; and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 130. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended to read as follows:

“SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$80,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.”.

Subtitle C—Conforming Amendments

SEC. 141. CONFORMING AMENDMENTS.

The table of contents of the Child Abuse Prevention and Treatment Act, as contained in section 1(b) of such Act (42 U.S.C. 5101 note), is amended as follows:

(1) By striking the item relating to section 105 and inserting the following:

“Sec. 105. Grants to States and public or private agencies and organizations.”.

(2) By striking the item relating to title II and inserting the following:

"TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT"

(3) By striking the item relating to section 204.

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

"(1) the number of children in substitute care has increased by nearly 24 percent since 1994, as our Nation's foster care population included more than 565,000 as of September of 2001;

"(2) children entering foster care have complex problems that require intensive services, with many such children having special needs because they are born to mothers who did not receive prenatal care, are born with life threatening conditions or disabilities, are born addicted to alcohol or other drugs, or have been exposed to infection with the etiologic agent for the human immunodeficiency virus;

"(3) each year, thousands of children are in need of placement in permanent, adoptive homes";

(B) by striking paragraph (6);

(C) by striking paragraph (7)(A) and inserting the following:

"(7)(A) currently, there are 131,000 children waiting for adoption"; and

(D) by redesignating paragraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (8) respectively; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ", including geographic barriers," after "barriers"; and

(B) in paragraph (2), by striking "a national" and inserting "an Internet-based national".

SEC. 202. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 203. INFORMATION AND SERVICES."

(2) by striking "SEC. 203. (a) The Secretary" and inserting the following:

"(a) IN GENERAL.—The Secretary";

(3) in subsection (b)—

(A) by inserting "REQUIRED ACTIVITIES.—" after "(b)";

(B) in paragraph (1), by striking "nonprofit" each place that such appears;

(C) in paragraph (2), by striking "nonprofit";

(D) in paragraph (3), by striking "nonprofit";

(E) in paragraph (4), by striking "nonprofit";

(F) in paragraph (6), by striking "study the nature, scope, and effects of" and insert "support";

(G) in paragraph (7), by striking "nonprofit";

(H) in paragraph (9)—

(i) by striking "nonprofit"; and

(ii) by striking "and" at the end;

(I) in paragraph (10)—

(i) by striking "nonprofit"; each place that such appears; and

(ii) by striking the period at the end and inserting "; and"; and

(J) by adding at the end the following:

"(11) provide (directly or by grant to or contract with States, local government entities, or public or private licensed child welfare or adoption agencies) for the implementation of programs that are intended to increase the number of older children (who are in foster care and with the goal of adoption) placed in adoptive families, with a special emphasis on child-specific recruitment strategies, including—

"(A) outreach, public education, or media campaigns to inform the public of the needs and numbers of older youth available for adoption;

"(B) training of personnel in the special needs of older youth and the successful strategies of child-focused, child-specific recruitment efforts; and

"(C) recruitment of prospective families for such children.";

(4) in subsection (c)—

(A) by striking "(c)(1) The Secretary" and inserting the following:

"(c) SERVICES FOR FAMILIES ADOPTING SPECIAL NEEDS CHILDREN.—

"(1) IN GENERAL.—The Secretary";

(B) by striking "(2) Services" and inserting the following:

"(2) SERVICES.—Services"; and

(C) in paragraph (2)—

(i) by realigning the margins of subparagraphs (A) through (G) accordingly;

(ii) in subparagraph (F), by striking "and" at the end;

(iii) in subparagraph (G), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(H) day treatment; and

"(I) respite care."; and

(D) by striking "nonprofit"; each place that such appears;

(5) in subsection (d)—

(A) by striking "(d)(1) The Secretary" and inserting the following:

"(d) IMPROVING PLACEMENT RATE OF CHILDREN IN FOSTER CARE.—

"(1) IN GENERAL.—The Secretary";

(B) by striking "(2)(A) Each State" and inserting the following:

"(2) APPLICATIONS; TECHNICAL AND OTHER ASSISTANCE.—

"(A) APPLICATIONS.—Each State";

(C) by striking "(B) The Secretary" and inserting the following:

"(B) TECHNICAL AND OTHER ASSISTANCE.—The Secretary";

(D) in paragraph (2)(B)—

(i) by realigning the margins of clauses (i) and (ii) accordingly; and

(ii) by striking "nonprofit";

(E) by striking "(3)(A) Payments" and inserting the following:

"(3) PAYMENTS.—

"(A) IN GENERAL.—Payments"; and

(F) by striking "(B) Any payment" and inserting the following:

"(B) REVERSION OF UNUSED FUNDS.—Any payment"; and

(6) by adding at the end the following:

"(e) ELIMINATION OF BARRIERS TO ADOPTIONS ACROSS JURISDICTIONAL BOUNDARIES.—

"(1) IN GENERAL.—The Secretary shall award grants to, or enter into contracts with, States, local government entities, public or private child welfare or adoption agencies, adoption exchanges, or adoption family groups to carry out initiatives to improve efforts to eliminate barriers to placing children for adoption across jurisdictional boundaries.

"(2) SERVICES TO SUPPLEMENT NOT SUPPLANT.—Services provided under grants made under this subsection shall supplement, not supplant, services provided using any other funds made available for the same general purposes including—

"(A) developing a uniform homestudy standard and protocol for acceptance of homestudies between States and jurisdictions;

"(B) developing models of financing cross-jurisdictional placements;

"(C) expanding the capacity of all adoption exchanges to serve increasing numbers of children;

"(D) developing training materials and training social workers on preparing and moving children across State lines; and

"(E) developing and supporting initiative models for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries.".

SEC. 203. STUDY OF ADOPTION PLACEMENTS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended—

(1) by striking "The" and inserting "(a) IN GENERAL.—The";

(2) by striking "of this Act" and inserting "of the Keeping Children and Families Safe Act of 2003";

(3) by striking "to determine the nature" and inserting "to determine—

"(1) the nature";

(4) by striking "which are not licensed" and all that follows through "entity"; and

(5) by adding at the end the following:

"(2) how interstate placements are being financed across State lines;

"(3) recommendations on best practice models for both interstate and intrastate adoptions; and

"(4) how State policies in defining special needs children differentiate or group similar categories of children.".

SEC. 204. STUDIES ON SUCCESSFUL ADOPTIONS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended by adding at the end the following:

"(b) DYNAMICS OF SUCCESSFUL ADOPTION.—The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003.

"(c) INTERJURISDICTIONAL ADOPTION.—Not later than 1 year after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall submit to the appropriate committees of the Congress a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children.".

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 205(a) of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115(a)) is amended to read as follows:

"(a) There are authorized to be appropriated \$40,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008 to carry out programs and activities authorized under this subtitle.".

TITLE III—ABANDONED INFANTS ASSISTANCE

SEC. 301. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2)—

(A) by inserting "studies indicate that a number of factors contribute to" before "the inability of";

(B) by inserting "some" after "inability of";

(C) by striking "who abuse drugs"; and

(D) by striking "care for such infants" and inserting "care for their infants";

(3) by amending paragraph (5) to read as follows:

"(5) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus (commonly known as 'HIV'), those who have acquired immune deficiency syndrome (commonly known as 'AIDS'), and those who have been exposed to dangerous drugs";

(4) by striking paragraphs (6) and (7);

(5) in paragraph (8), by inserting "by parents abusing drugs," after "deficiency syndrome,";

(6) in paragraph (9), by striking "comprehensive services" and all that follows through the semicolon at the end and inserting "comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and

young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services; and";

(7) by striking paragraph (11);

(8) by redesignating paragraphs (2), (3), (4), (5), (8), (9), and (10) as paragraphs (1) through (7), respectively; and

(9) by adding at the end the following:

"(8) Private, Federal, State, and local resources should be coordinated to establish and maintain such services and to ensure the optimal use of all such resources."

SEC. 302. ESTABLISHMENT OF LOCAL PROGRAMS.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 101. ESTABLISHMENT OF LOCAL PROGRAMS."; and

(2) by striking subsection (b) and inserting the following:

"(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

"(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or

"(2) have been perinatally exposed to a dangerous drug."

SEC. 303. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

"(a) EVALUATIONS OF LOCAL PROGRAMS.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.

"(b) STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.—

"(1) IN GENERAL.—The Secretary shall conduct a study for the purpose of determining—

"(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 223(b);

"(B) an estimate of the annual number of infants and young children who are victims of homicide;

"(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant's birth; and

"(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

"(2) DEADLINE.—Not later than 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall complete the study required under paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

"(c) EVALUATION.—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children."

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—For the purpose of carrying out this Act, there are authorized to be appropriated \$45,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.

"(2) LIMITATION.—Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 224(a).";

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1), by inserting "AUTHORIZATION.—" after "(1)"; and

(B) in paragraph (2)—

(i) by inserting "LIMITATION.—" after "(2)"; and

(ii) by striking "fiscal year 1991." and inserting "fiscal year 2003."; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 305. DEFINITIONS.

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 103. DEFINITIONS.

"For purposes of this Act:

"(1) The terms 'abandoned' and 'abandonment', with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

"(2) The term 'acquired immune deficiency syndrome' includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.

"(3) The term 'dangerous drug' means a controlled substance, as defined in section 102 of the Controlled Substances Act.

"(4) The term 'natural family' shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation with respect to infants and young children covered under this subtitle.

"(5) The term 'Secretary' means the Secretary of Health and Human Services."

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 401. STATE DEMONSTRATION GRANTS.

(a) UNDERSERVED POPULATIONS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking "underserved populations," and all that follows and inserting the following: "underserved populations, as defined in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2)";

(b) REPORT.—Section 303(a) of such Act (42 U.S.C. 10402(a)) is amended by adding at the end the following:

"(5) Upon completion of the activities funded by a grant under this title, the State grantee shall submit to the Secretary a report that contains a description of the activities carried out under paragraph (2)(B)(i)."

SEC. 402. SECRETARIAL RESPONSIBILITIES.

Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking "an employee" and inserting "1 or more employees";

(2) by striking "of this title." and inserting "of this title, including carrying out evaluation and monitoring under this title."; and

(3) by striking "The individual" and inserting "Any individual".

SEC. 403. EVALUATION.

Section 306 of the Family Violence Prevention and Services Act (42 U.S.C. 10405) is amended in the first sentence by striking "Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, and every two years thereafter," and inserting "Every 2 years.".

SEC. 404. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended by striking subsection (g).

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title \$175,000,000 for each of the fiscal years 2004 through 2008."

(b) GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.—Section 311(g) of such Act (42 U.S.C. 10410(g)) is amended to read as follows:

"(g) FUNDING.—Of the amount appropriated pursuant to the authorization of appropriations under section 310(a) for a fiscal year, not less than 10 percent of such amount shall be made available to award grants under this section."

SEC. 406. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended by striking subsection (h).

SEC. 407. EVALUATION AND MONITORING.

Section 312 of the Family Violence Prevention and Services Act (42 U.S.C. 10412) is amended by adding at the end the following:

"(c) Of the amount appropriated under section 310(a) for each fiscal year, not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title."

SEC. 408. FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION PROJECT.

Section 313 of the Family Violence Prevention and Services Act (42 U.S.C. 10413) is repealed.

SEC. 409. MODEL STATE LEADERSHIP GRANTS.

Section 315 of the Family Violence Prevention and Services Act (42 U.S.C. 10415) is repealed.

SEC. 410. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) DURATION.—Section 316(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(b)) is amended—

(1) by striking "A grant" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), a grant"; and

(2) by adding at the end the following:

"(2) EXTENSION.—The Secretary may extend the duration of a grant under this section beyond the period described in paragraph (1) if, prior to such extension—

"(A) the entity prepares and submits to the Secretary a report that evaluates the effectiveness of the use of amounts received under the grant for the period described in paragraph (1) and contains any other information as the Secretary may prescribe; and

"(B) the report and other appropriate criteria indicate that the entity is successfully operating the hotline in accordance with subsection (a)."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 316(f) of such Act (42 U.S.C. 10416(f)) is amended in paragraph (1) by striking "fiscal years 2001 through 2005" and inserting "fiscal years 2004 through 2008".

SEC. 411. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

Section 317 of the Family Violence Prevention and Services Act (42 U.S.C. 10417) is repealed.

SEC. 412. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

(a) IN GENERAL.—Section 318(h) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)) is amended to read as follows:

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$6,000,000 for each of the fiscal years 2004 through 2008.”.

(b) REGULATIONS.—Section 318 of such Act (42 U.S.C. 10418) is amended by striking subsection (i).

SEC. 413. TRANSITIONAL HOUSING ASSISTANCE.

Section 319(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10419(f)) is amended by striking “fiscal year 2001” and inserting “each of the fiscal years 2004 through 2008”.

SEC. 414. TECHNICAL AND CONFORMING AMENDMENTS.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended as follows:

(1) In section 302(1) by striking “demonstrate the effectiveness of assisting” and inserting “assist”.

(2) In section 303(a)—

(A) in paragraph (2)—

(i) in subparagraph (C), by striking “State domestic violence coalitions knowledgeable individuals and interested organizations” and inserting “State domestic violence coalitions, knowledgeable individuals, and interested organizations”; and

(ii) in subparagraph (F), by adding “and” at the end; and

(B) by aligning the margins of paragraph (4) with the margins of paragraph (3).

(3) In section 305(b)(2)(A) by striking “provide for research, and into” and inserting “provide for research into”.

(4) In section 311(a)—

(A) in paragraph (2)(K), by striking “other criminal justice professionals;” and inserting “other criminal justice professionals;” and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking “family law judges,” and inserting “family law judges;”;

(ii) in subparagraph (D), by inserting “, criminal court judges,” after “family law judges”; and

(iii) in subparagraph (H), by striking “supervised visitations that do not endanger victims and their children” and inserting “supervised visitations or denial of visitation to protect against danger to victims or their children”.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate disagree with the House amendment and request a conference, and that the Chair be authorized to appoint conferees, with the ratio of 3 to 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. TALENT) appointed Mr. GREGG, Mr. ALEXANDER, Mr. DEWINE, Mr. KENNEDY, and Mr. DODD conferees on the part of the Senate.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of the following calendar items: No. 26, S. 273; No. 27, S. 302; No. 28, S. 426.

The PRESIDING OFFICER. The clerk will state the bills by title.

A bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

A bill (S. 302) to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend

the term of the advisory commission for the recreation area, and for other purposes.

A bill (S. 426) to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. FRIST. Mr. President, I ask unanimous consent that the technical amendment to Calendar No. 27, S. 203 at the desk be considered and agreed to, the bills, as amended, if amended, be read the third time and passed, and the motions to reconsider be laid upon the table en bloc, that any statements relating thereto be printed at the appropriate place in the RECORD, and that the consideration appear separately in the RECORD without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (S. 302) to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes.

The amendment (No. 523) was agreed to, as follows:

(Purpose: To correct a map reference in the bill)

On page 3, strike lines 19 through 25 and insert “numbered NPS-80,079D and dated February 2003.”

The bill, (S. 302) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act”.

SEC. 2. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

(a) BOUNDARY ADJUSTMENT.—Section 2(a) of Public Law 92-589 (16 U.S.C. 460bb-1(a)) is amended—

(1) by striking “The recreation area shall comprise” and inserting the following:

“(1) INITIAL LANDS.—The recreation area shall comprise”; and

(2) by striking “The following additional lands are also” and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

“(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

“(A) The parcels numbered by the Assessor of Marin County, California, 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-010-12, 166-010-13, and 119-235-10.

“(B) Lands and waters in San Mateo County generally depicted on the map entitled

“Sweeney Ridge Addition, Golden Gate National Recreation Area”, numbered NRA GG-80,000-A, and dated May 1980.

“(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb-1 note; Public Law 102-299).

“(D) Lands generally depicted on the map entitled ‘Additions to Golden Gate National Recreation Area’, numbered NPS-80-076, and dated July 2000/PWR-PLRPC.

“(E) Lands generally depicted on the map entitled ‘Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area’, numbered NPS-80,079D and dated February 2003.

“(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.”.

(b) EXTENSION OF TERM OF ADVISORY COMMISSION.—Effective as of October 26, 2002, section 5(g) of Public Law 92-589 (16 U.S.C. 460bb-4(g)) is amended by striking “cease to exist thirty years after the enactment of this Act” and inserting “terminate at the end of the 10-year period beginning on the date of the enactment of the Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act”.

The bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Grand Teton National Park Land Exchange Act”.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term “Federal lands” means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(2) The term “Governor” means the Governor of the State of Wyoming.

(3) The term “Secretary” means the Secretary of the Interior.

(4) The term “State lands” means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park as identified on a map titled “Private, State & County Inholdings Grand Teton National Park”, dated March 2001, and numbered GTNP/0001.

SEC. 3. ACQUISITION OF STATE LANDS.

(a) The Secretary is authorized to acquire approximately 1,406 acres of State lands within the exterior boundaries of Grand Teton National Park, as generally depicted on the map referenced in section 2(4), by any one or a combination of the following—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange of Federal lands in the State of Wyoming that are identified for disposal under approved land use plans in effect on the date of enactment of this Act under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) that are of equal value to the State lands acquired in the exchange.

(b) In the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a)(3) are not sufficient or acceptable for the acquisition of all the State lands identified in section 2(4), the Secretary shall identify

other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.

(a) AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section 3(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of those lands. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraiser.

(b) NO AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(c) APPRAISAL COSTS.—The Secretary and the State of Wyoming shall each pay one-half of the appraisal costs under subsections (a) and (b).

SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.

The State lands conveyed to the United States under section 3(a) shall become part of Grand Teton National Park. The Secretary shall manage such lands under the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act"), and other laws, rules, and regulations applicable to Grand Teton National Park.

SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

The bill (S. 426) to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Blunt Reservoir and Pierre Canal Land Conveyance Act of 2003".

SEC. 2. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term "Blunt Reservoir feature" means the Blunt Reservoir feature of the Oahe Unit, James

Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term "Commission" means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term "nonpreferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term "Pierre Canal feature" means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term "preferential leaseholder" means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term "preferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term "State" means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term "unleased parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a condition of each conveyance under subsections (d)(5) and (e), respectively, the State shall agree to accept—

(A) in "as is" condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER \$10,000.—If the value of the parcel is under \$10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this Act shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide the State a full legal description of all preferential lease parcels and nonpref-

erential lease parcels that may be conveyed under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act \$750,000 to reimburse the Secretary for expenses incurred in implementing this Act, and such sums as are necessary to reimburse the Commission for expenses incurred implementing this Act, not to exceed 10 percent of the cost of each transaction conducted under this Act.

Mr. REID. Mr. President, I wish to state how much I appreciate the cooperation of the ranking member and the chairman of the Energy and Natural Resources Committee. It took a few minutes to do this, but it has taken weeks to get to this point. I express my appreciation to all Senators involved. It was very hard to do.

COMMENDING THE UNIVERSITY OF MINNESOTA DULUTH BULLDOGS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 104, submitted earlier today by Senator DAYTON and Senator COLEMAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 104) commending the University of Minnesota Duluth Bulldogs for winning the 2002-2003 National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DAYTON. Mr. President, I am proud to rise today with my colleague from Minnesota, Senator COLEMAN, to pay tribute to the University of Minnesota Duluth Women's Ice Hockey Team, who just won their third consecutive National Collegiate Athletic Association championship. The Bulldogs defeated an outstanding Harvard team, 4 to 3, in the second sudden-death overtime.

I was once a hockey goalie, back in the days when we used dinosaur bones for goalie sticks. So I have experienced firsthand the incredible intensity and pressure of overtime in hockey. It truly is "sudden death." For the Bulldogs to win their third straight national championship under that pressure, in front of their families, friends, and many fans in Duluth, is an extraordinary achievement.

I congratulate all the players on the University of Minnesota Duluth team, their head coach, Shannon Miller, who has spearheaded this incredibly successful hockey program, and UMD Chancellor Kathryn Martin. They have accomplished more than anyone could have imagined just 3 years ago, and they have made all Minnesotans exceptionally proud of them.

Senator COLEMAN, Representative JIM OBERSTAR, and I have written to President Bush and asked him to invite the team to the White House. Two years ago, after the Bulldogs won their first national championship, I read

that the NCAA men's championship team had been invited to the White House. We asked the President then that the UMD women's team be so honored. The President graciously extended that invitation to the Bulldogs team and personally hosted them at the White House.

Last year, we had the additional thrill of attending a White House ceremony honoring both the men's and women's NCAA hockey champions: the University of Minnesota Duluth women's champions and the University of Minnesota men's champions. Since the Gophers men's team is now in the semifinals of their national tournament, I am hopeful that we will experience that same thrill again this year. Regardless of that outcome, the UMD women's team are again the National Champions. A "Threepeat!" Awesome! Congratulations, Bulldogs!

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc; that the motion to reconsider be laid upon the table, without intervening action or debate; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 104) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 104

Whereas on Sunday, March 23, 2003, the two-time defending NCAA National Collegiate Women's Ice Hockey Champions, the University of Minnesota Duluth Bulldogs, won the National Championship for the third straight year;

Whereas Minnesota Duluth defeated Harvard University in double overtime of the championship game by the score of 4-3, having defeated Dartmouth College 5-2 in the semifinal;

Whereas sophomore Nora Tallus scored the game-winning goal in the second overtime, assisted by Erika Holst and Joanne Eustace;

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 98, 99, 100, 101, 102, and 104. I further ask unanimous consent that the nominations be confirmed en bloc; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Joseph Robert Goeke, of Illinois, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

Robert Allen Wheey, Jr., of Colorado, to be a Judge of the United States Tax Court for a term of fifteen years.

Harry A. Haines, of Montana, to be a Judge of the United States Tax Court for a term of fifteen years.

Diane L. Kroupa, of Minnesota, to be a Judge of the United States Tax Court for a term of fifteen years.

Mark Van Dyke Holmes, of New York, to be a Judge of the United States Tax Court for a term of fifteen years.

DEPARTMENT OF THE TREASURY

Raymond T. Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, APRIL 7, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 3 p.m., Monday, April 7. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate

then begin a period for morning business until 5 p.m., with the time until 4 p.m. to be equally divided between Senator HUTCHISON and the minority leader or their designees, and the remaining time until 5 p.m. be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, the Senate will return for business on Monday. On Monday there will be a period for morning business to allow Members to continue to make statements in support of our troops. At 5 p.m. under a previous order, the Senate will proceed to a vote on the confirmation of a district court judge.

Next week, as I announced earlier this evening, the Senate will consider nominations, including judicial nominees, the CARE Act, the FISA bill, and, hopefully, under a unanimous consent agreement, the POW resolution, and conference reports as they are available.

Next week is the last week prior to the Easter recess. I expect a busy week as we attempt to finish the mentioned items and any other legislative or executive items that can be cleared.

ADJOURNMENT UNTIL 3 P.M.,
MONDAY, APRIL 7, 2003

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:33 p.m., adjourned until Monday, April 7, 2003, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 3, 2003:

THE JUDICIARY

JOSEPH ROBERT GOEKE, OF ILLINOIS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE.

ROBERT ALLEN WHERRY, JR., OF COLORADO, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

HARRY A. HAINES, OF MONTANA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

DIANE L. KROUPA, OF MINNESOTA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

MARK VAN DYKE HOLMES, OF NEW YORK, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

DEPARTMENT OF THE TREASURY

RAYMOND T. WAGNER, JR., OF MISSOURI, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 14, 2004.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.